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ACTS

PASSED AT THE NINTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

531

363

By Treasurer
APR 12 1911

Page 14

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE ROCK,
ON MONDAY, THE FIRST DAY OF NOVEMBER, ONE THOUSAND EIGHT
HUNDRED AND FIFTY-TWO, AND ENDED ON WEDNESDAY,
THE TWELFTH DAY OF JANUARY, ONE THOUSAND
EIGHT HUNDRED AND FIFTY-THREE.

PUBLISHED BY AUTHORITY.

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ARKADELPHIA ARKANSAS:

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PUBLIC ACTS,
PASSED AT THE NINTH SESSION
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS.

Which was begun and held in the Capitol, in the City of Little Rock, on Monday, the first day of November, one thousand eight hundred and fifty-two, and ended on Wednesday, the twelfth day of January, one thousand eight hundred and fifty-three.

An act to change the time of holding the Probate court of Sevier county.

SECTION

1. County court to be holden on the fourth Mondays of January, April, July and October, in each year.
2. Probate court to be holden on the first Mondays after the fourth Mondays in January, April, July and October.

SECTION

3. Writs and process hereafter issued, returnable as herein specified; all laws conflicting herewith repealed.
4. This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the county court of Sevier county, be holden on the fourth Mondays of January, April, July and October, in each year.

SEC. 2. *Be it further enacted,* That the probate court for said county, be hereafter holden on the first Mondays after the fourth Mondays in January, April, July and October, in each year.

SEC. 3. *Be it further enacted,* That all writs or process issued, or hereafter to be issued, be made returnable to the term of said court, as herein specified; and all laws conflicting herewith, be, and the same are hereby repealed.

SEC. 4. *Be it further enacted,* That this act be in force from and after its passage.

Approved 24th November, 1852.

An act to change the time of holding the Probate court in the county of Arkansas.

SECTION

1. Probate court to be holden on second Mondays in January, April, July and October, of each year.
2. This act not to affect any writ, or

SECTION

- process, made returnable to the next term of said court.
3. This act shall be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the probate court of the county of Arkansas, shall hereafter be holden on the second Mondays in January, April, July and October, in each year.

SEC. 2. *Be it further enacted,* That this act shall not, in any manner avoid, impair or affect any notice, process, suit, settlement or other proceeding now pending in said probate court, continued or made returnable to the next term thereof; but that the same shall proceed, and be determined at the next term of said court, to be holden in accordance with this act, in the same manner as if no change had been made in the time of holding said court.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 27th of November, 1852.

An act to change the time of holding Probate court for the county of Franklin.

SECTION

1. Probate court to be holden on the first Mondays of January, April, July and October, in each year.
2. Writs, processes, or continuances, issued previously to the taking ef-

SECTION

fect of this act, shall not be affected by the passage of this act:— This act to take affect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That from and after the passage of this act, the probate court for the county of Franklin, shall be holden as follows, to-wit: On the first Mondays of January, April, July and October, in each year; and may continue in session until the business is disposed of.

SEC. 2. *Be it further enacted,* That all writs, processes or continuances, issued by the clerk of said court previous to the taking effect of this act, shall not be avoided or impaired, or in manner affected by the change in relation to the commencement of said terms; but all such writs or processes shall be returnable to the terms fixed by this act, and that this act shall take effect from and after its passage.

Approved 27th of November, 1852.

An act, to amend Sec. 66, Chap. 4, Digest of the Statutes of the State, under the head of Administration.

SECTION

1. Judge of the probate court being satisfied that the personal property of intestates is liable to waste, or to be lost, or to depreciate in value, it shall be lawful for the probate judge of the proper county, to authorize sale of the same, in the manner in all respects, as now provided by law.
2. Said order shall be in writing and certified by said judge, and by him filed with the clerk of the probate court of which he is judge, whose

SECTION

- duty it shall be to enter it forthwith upon the records of the court of probate of said county.
3. Said administrator or administratrix to make report of said sale to the next term of said court, and in all respects to be governed by existing laws.
4. All laws or parts of laws conflicting with this act, are hereby repealed; and this act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That, if it shall be made to appear satisfactory to the judge of any probate court of any county in this State, by the petition of any administrator or administratrix of any intestate estate, supported by his or her affidavit, that all or any portion of the personal property of the estate of their intestate, is liable to waste, be lost or greatly depreciate; it shall and may be lawful for the judge of the court of probate of the proper county, to make an order in vacation, authorizing said administrator or administratrix, to sell the same in the manner, in all respects as now prescribed by law.

SEC. 2. *Be it further enacted*, That said order shall be in writing, certified to by said judge, and be by him filed with the clerk of the court of probate of the county of which he is such judge, whose duty it shall be, without delay, to spread the same upon the record of the court of probate of said county.

SEC. 3. *Be it further enacted*, That said administrator or administratrix, shall make report of said sale to the next term of said court of probate for said county, and in all other respects be subject to and governed by existing laws.

SEC. 4. *Be it further enacted*, That all laws, or parts of laws in conflict with the provisions herein, be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved 29th November, 1852.

An act to change the time of holding the Probate court of Drew county.

SECTION

1. Probate court to be holden on second Mondays in January, April, July and October, of each year.
2. This act not to affect any writ, or pro-

SECTION

- cess, made returnable to the next term of said court.
3. this act shall be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the probate court of the county of Drew, shall hereafter be commenced and be holden on the third Mondays in January, April, July and October, in each year.

SEC. 2. *Be it further enacted*, That this act shall not, in any manner, avoid, impair or affect any notice, process, suit, settlement or other proceeding, now pending in said probate court, continued or made returnable to the next term thereof; but that the same shall proceed and be determined at the next term of said court, to be holden in accordance with this act, in the same manner as if no change had been made in the time of holding said court.

SEC. 3. *Be it further enacted*, That all laws in conflict with the provisions of this act be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved 27th November, 1852.

An act to incorporate the Oil Trough Academy, in Oil Trough Bottom, Arkansas.

SECTION

1. Defines the locality and declares the name to be Oil Trough Academy.
2. Said academy to be under the government of three trustees, two of whom shall be competent to transact business.
3. Constitutes E. R. McGuire, James F. Saffold and Daniel J. Chapman and their successors in office, a body politic for the term of twenty-five years; shall have power to purchase, hold and receive, to themselves and their successors in office, all kinds of property; provided, the amount owned by them shall not, at any time, exceed twenty-five thousand dollars exclusive of necessary buildings, etc.
4. Declares the manner of filling vacancies that may occur in said board of trustees.
5. Appoints the time of holding meetings of said board of trustees.
6. Empowers said board to elect officers for their government, and enact by-laws for the management of the academy; to have and use a com-

SECTION

- mon seal; to sue and be sued; and to do all acts they may deem necessary for the interest of said academy.
7. Trustees to employ teachers, who shall have power to enforce the by-laws; but no student to be expelled except upon the action of the trustees.
8. Gives the faculty power to confer degrees upon students, and to issue diplomas declaring the same.
9. All property now owned or hereafter acquired by said corporation free from public tax.
10. Misnomer not to effect any gift, device, or grant made to said trustees.
11. A member of the faculty not to be a member of the board of trustees at the same time.
12. Not necessary to plead this act specially in any court of justice; but this act to be received and treated as a public law of the State.
13. Declares this act in force for twenty-five years from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the institution of learning in Oil Trough Bottom, Arkansas, in township twelve, north of the base line, and in range five west of the fifth principal meridian, shall be denominated the Oil Trough Academy.

SEC. 2. *Be it further enacted*, That said academy shall consist of a male and female department, and shall have for its control and government three trustees, two of whom shall constitute a quorum for the transaction of business.

SEC. 3. *Be it further enacted*, That E. R. McGuire, James F. Saffold and Daniel J. Chapman, be, and they are constituted a body politic and corporate, in deed and in law, by the name of Oil Trough Academy, and by that name they and their successors shall have perpetual succession for the term of twenty-five years, and that they, by their corporate name aforesaid, shall be able and have full power in law, to purchase, receive, hold and enjoy to themselves and to their successors in office, all kinds of property, whether real, personal, or mixed; whether in possession or reversion, or in action; or whether it be corporeal or incorporeal, in as full and complete a manner as any person could or ought to do; *Provided*, That the amount of property owned by them as such trustees, as aforesaid, shall not at any time exceed the value of twenty-five thousand dollars, exclusive of the necessary buildings, library, chemical and philosophical apparatus, for the conducting of said academy.

SEC. 4. *Be it further enacted*, That all vacancies that may occur in said board of trustees, by death, resignation, or otherwise, shall be filled by appointment, to be made by the member or members, as the case may be, belonging to and constituting said body.

SEC. 5. *Be it further enacted*, That said board shall hold annual meetings at said academy, on the first Monday in January, in every year, unless otherwise changed by said board; and they may assemble at any time upon the call of any member of said board of trustees.

SEC. 6. *Be it further enacted*, That said trustees may create such offices and elect such officers as they may deem necessary for the government of the board; and they shall have power to make all by-laws, rules and regulations for the management of said academy that they may deem necessary to enforce the same; *Provided*, They shall not be contrary to the constitution and laws of the United States, and of this State. They may, when they think proper, adopt a common seal for the transaction of their business, and have liberty to change and alter the same at discretion; and they shall have power by their corporate name aforesaid, to sue and be sued, plead and be impleaded, to answer and be answered, defend and be defended in any court of law or equity in the State of Arkansas, and in general to do all acts, which, in their judgment, shall be necessary for the general interest and prosperity of said academy in as complete a manner as any person or body politic can or may do by law.

SEC. 7. *Be it further enacted*, That the trustees shall have power to employ teachers to carry on said academy, the principal of whom shall be styled the President, who, together with the other teachers,

shall constitute the faculty of the institution; and the said faculty shall have power to carry out and enforce all by-laws adopted for the regulation of the same, and to recommend to the board of trustees such changes as may be necessary from time to time; but in no case shall a student be expelled but by the action of the trustees.

SEC. 8. *Be it further enacted*, That the faculty shall have power, under the direction of the trustees to confer all honors or degrees upon the students of said academy, as are usually conferred by institutions of like character, and to give students diplomas or certificates, to perpetuate the same, bearing such device or inscription as they may adopt for that purpose.

SEC. 9. *Be it further enacted*, That all property now owned, or that hereafter may be acquired, shall forever be free from public tax, and that any conveyances which have been made to such trustees, shall come to them in their new corporate name and character, according to the terms of such conveyance, and be held by the aforesaid trustees and their successors in office forever, in as full and complete a manner as though said conveyance had been made since the enactment of this charter.

SEC. 10. *Be it further enacted*, That no misnomer shall defeat or annul any gift or device, or grant made to said trustees or said academy.

SEC. 11. *Be it further enacted*, That no member of the faculty shall be a member of said faculty and a member of the board of trustees at the same time.

SEC. 12. *Be it further enacted*, That it shall not be necessary to specially plead this act in any court of justice in this State; but this act shall, in all respects, be received and treated as a public law of the State of Arkansas.

SEC. 13. *Be it further enacted*, That this act remain and be in force twenty-five years from and after its passage, subject to renewal by the legislature; and that it take effect and be in force from and after its passage.

Approved 29th November, 1852.

An act to change the time of holding the Probate court of the county of Pope.

SECTION

1. Probate court to be holden Thursday after the fourth Monday in January, and on Wednesdays after the fourth Mondays of April, July and October, of each year.

SECTION

2. Not to affect any writ, or other process, by the change in relation to the commencement of said terms.
3. Repeals all laws conflicting with this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the probate court of Pope county shall be holden

on the Thursday after the fourth Monday of January, and on the Wednesdays after the fourth Mondays of April, July and October, of each year.

SEC. 2. *Be it further enacted,* That all writs, process, or continuances, issued by the clerk previous to the taking effect of this act, shall not be avoided or impaired, or in any manner affected by the change made in relation to the commencement of said terms; but all such writs or processes shall be returnable to the terms fixed by this act.

SEC. 3. *Be it further enacted,* That all laws in conflict with this act, be, and they are hereby repealed.

Approved 30th of November, 1852.

An act making appropriations to pay members and officers of the General Assembly.

SECTION

1. Certain appropriations specified to pay members of the General Assembly, and Electors for President

SECTION

and Vice President.

2. This law in force from and after its passage

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the balance of appropriations numbered 31, 47, 48, 50, 51, 52, 53, 54, 55, 56 and 57, in table "A" of the Auditor's report, made to the present General Assembly, be, and the same are hereby transferred to and made a part of the appropriation to pay members and officers of the General Assembly; and that the sum of five hundred dollars, be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay electors for President and Vice President.

SEC. 2. *Be it further enacted,* That this law take effect and be in force from and after its passage.

Approved 30th of November, 1852.

An act to authorize the holding of a special term of the County court of Johnson county.

SECTION

1. Authorizes a special term of the county court, to make settlement with the sheriff and collector of said county.

2. Extends the time for the sheriff to

SECTION

pay county revenue into the State Treasury to February 1st, 1853.

3. This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the county judge of Johnson county is hereby authorized to hold a special term of the county court on the first

Monday in January, 1853, for the purpose of acting on the delinquent lists of C. B. Mann, sheriff and collector of said county, and making settlements in the same manner, and to the same effect as if said special term were held on the second Monday in November, as provided by the statutes under the head of Revenue.

SEC. 2. *Be it further enacted*, That C. B. Mann, sheriff and collector of Johnson county have, until the first day of February, 1853, to pay into the State Treasury the revenue of Johnson county, for the year eighteen hundred and fifty-two; *Provided*, That the said Christopher B. Mann enter into new bond with approved security, conditioned, that he do pay the revenue aforesaid, into the State Treasury by the first day of February, 1853.

SEC. 3. *Be it further enacted*, That this act take effect and be in full force from and after its passage.

Approved 3rd of December, 1853.

An act making special appropriations to pay Wm. E. Woodruff and Richard H. Johnson for printing the Governor's Message and accompanying documents.

SECTION

1. Declares the sums to be paid Wm. E. Woodruff and R. H. Johnson for

SECTION

printing.

SECTION 1. *Be enacted by the General Assembly of the State of Arkansas*, That the following sums be and they are hereby appropriated out of any money in, or which may be in, the Treasury and not otherwise appropriated, to-wit: To William E. Woodruff the sum of six hundred and thirty-eight dollars and seventy-two cents, [\$638 72,] for printing for the use of the General Assembly, the Governor's message, Auditor's report, and report of the Financial Receiver of the State Bank; and to Richard H. Johnson, the sum of one hundred and eleven dollars and sixty cents, [\$111 60,] for printing for the use of the General Assembly, the report of the State Treasurer, made to the General Assembly at the opening of the present session.

Approved 7th December, 1852.

An act to change the time of holding the Probate court in and for the county of Pike, in the State of Arkansas.

SECTION

1. Probate court to be holden on the first Mondays of January, April, July and October, in each year.
2. Writs, processes, or continuances not to be affected by the change made

SECTION.

in the commencement of said terms.

3. Repeals all laws conflicting with this act; this act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the probate court in and for the county of Pike, and State of Arkansas, shall hereafter be holden in said county on the fourth Mondays of January, April, July and October, in each year, and continue from day to day, as is now provided by law.

SEC. 2. *Be it further enacted*, That all writs, process, or continuances, issued by the clerk of said court previous to the taking effect of this act, shall not be avoided or impaired, or in any manner affected, by the change made in relation to the commencement of said terms; but all such writs, or process, shall be returnable to the terms fixed by this act.

SEC. 3. *Be it further enacted*, That all laws in conflict with this act be, and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

Approved 8th of December, 1852.

An act to exempt a Homestead from execution.

SECTION

1. One hundred and sixty acres of land or one town lot secured as a homestead to every free white householder.
2. Secures the benefits of this law to the widow or heirs.
3. The provisions of this law does not

SECTION

apply to taxes, or to debts contracted previously to its passage, nor any town lot except such as constitute the actual family residence; this act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That every free white citizen of this State, male or female, being a householder, or the head of a family, shall be entitled to a homestead, exempt from sale or execution, (except as hereafter mentioned,) not exceeding one hundred and sixty acres of land, or one town or city lot, being the residence of such householder or head of a family, with the appertenances and improvements thereunto belonging.

SEC. 2. *Be it further enacted*, That the preceding section shall be deemed and construed to exempt such homestead, in the manner aforesaid, during the time it shall be occupied by the widow, or child, or children of any deceased person who was, when living, entitled to the benefits of this act.

SEC. 3. *Be it further enacted*, That nothing herein contained shall be so construed as to exempt said homestead from sale for taxes, or the owners thereof, from any liabilities or debts, contracted prior to the passage of this act; *Provided*, That nothing contained in this act shall be so construed as to exempt from execution and sale any town lot with any improvements thereon, except such as constitute the actual family residence, and such buildings as are necessary appendages thereto; and this act shall take effect and be in force from and after its passage.

Approved 8th December, 1852.

An act making an appropriation to pay a judgment rendered by the Circuit Court of Pulaski county, in favor of William E. Woodruff against the State of Arkansas.

SECTION

1. Appropriates one thousand six hundred and seventy-four dollars, to satisfy a decree of the Pulaski circuit court in favor of W. E. Woodruff.

SECTION

2. Auditor to draw his warrant for the amount due said Woodruff.
3. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That there be, and is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, the sum of one thousand seven hundred and sixty dollars, to satisfy a decree entered by the circuit court of Pulaski county, in favor of William E. Woodruff, against the State of Arkansas, on the twenty-ninth day of January, A.D., 1852, for the sum of one thousand dollars debt, and six hundred and seventy-four dollars interest, with interest until paid.

SEC. 2. *Be it further enacted,* That the Auditor of State is hereby authorized and required to draw his warrant on the Treasurer for the amount found to be so due said Woodruff.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved 9th December, 1852.

An act to provide for the location of the county seat of Arkansas county.

SECTION

1. County court to order an election of three commissioners to locate

SECTION

county seat; this act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the county court of Arkansas county be, and the same is hereby required, and directed to make an order at its term in January next, without any petition of the inhabitants, for the election of three commissioners to locate the county seat of the said county. Said election to be held and conducted, and said county seat to be located in all respects, in accordance with the provisions of chap. 44 of the Digest; and this act shall be in force from and after its passage.

Approved 10th December, 1852.

An act to incorporate Cane Hill Female Seminary.

SECTION

1. Cane Hill female seminary established.
2. Certain persons appointed a board of trustees.
3. Declares the board of trustees and their successors in office a body politic, and defines their powers.
4. Trustees to elect a president, who shall have power to call a meeting of said board whenever necessary.
5. Three of the trustees have power to call a meeting of the board.
6. President and two trustees a quorum to transact business.
7. Five trustees not including the president a quorum to transact business.
8. Vacancy of the president's office filled by the board of trustees.
9. Board of trustees to have a common seal; and defines the powers and liabilities of said board of trustees and their successors in office.
10. The president and teachers to be styled the faculty; and their powers and duties defined.
11. Declares Thomas G. McCulloh president by virtue of contract with

SECTION

- former proprietor.
12. After expiration of said contract board of trustees to appoint president and teachers.
13. Faculty to confer degrees and grant certificates to perpetuate the same.
14. Synod have power to appoint a board of visitors, three of whom shall be a quorum to transact business.
15. How vacancies in the board of trustees are to be filled.
16. After the expiration of present contract, board of trustees to fix salary of faculty and other officers.
17. Majority of trustees have power to remove from office, for misconduct, any member of the board of trustees, or of the faculty.
18. Exempts from taxation all lands and building owned by said seminary.
19. Misnomer not to affect any gift, grant, or devise.
20. How said seminary may become endowed.
21. This act declared public, and in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That an institution of learning be, and the same is hereby established on Cane Hill, about one and a half miles south of Boonsboro, in Washington county, to be denominated the Cane Hill Female Seminary, under the care and control of the Arkansas Synod, of the Cumberland Presbyterian Church.

SEC. 2. That Thomas G. McCulloh, Benjamin H. Pierson, James B. Russell, George Morrow, Robert M. King, Jesse M. Blair, Andrew Buchanan, Gilford Pylant, Isaac W. Talkington, Wm. McMellon, Anderson Cox, Benj. J. Carnahan, Benjamin M. Routh, Isaac P. Spencer John M. Williamson, John Spencer and James A. Hagood, be, and they are hereby appointed a board of trustees to take charge of said seminary, and they are hereby authorized to receive a title to said seminary, and any real estate that may be connected therewith, and to hold the same in trust for said Arkansas Synod.

SEC. 3. That the trustees aforesaid be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the board of trustees of the Cane Hill Female Seminary, and by that name they and their successors in office shall, and may have perpetual succession, and be able and capable to have, receive and enjoy to them and their successors, lands, tenements and hereditaments of any kind, in fee for life, or for years, and personal property of any kind whatever, and also all sums of money which may be given, granted or bequeathed to them, for the promotion of the

interest of said seminary; *Provided*, That the amount of property owned by said institution shall not at any time exceed the sum of one hundred thousand dollars over and above the buildings, library and apparatus necessary to said seminary.

SEC. 4. That there shall be a meeting of the board of trustees at the instance of a majority thereof, and they shall proceed to elect a president, and the president so elected, shall have power to call a meeting of said board whenever it shall appear to be necessary.

SEC. 5. That when any three of the trustees deem it necessary, they shall have power to call a meeting of the board.

SEC. 6. That the president of said board and any two of the trustees, shall constitute a quorum for the transaction of business.

SEC. 7. That any five of the trustees, not including the president, shall constitute a quorum for the transaction of business.

SEC. 8. That in the absence of the president of said board, or when his seat is vacated by death, resignation, or otherwise, the board shall appoint one of their number to preside over their deliberations.

SEC. 9. That the board of trustees of said seminary, shall, and may have a common seal, with the liberty to change or alter the same from time to time, as they shall think proper; and that by the name of the board of trustees of the Cane Hill Female Seminary, they and their successors shall be able to sue and be sued, plead and be impleaded, answer and be answered, and defend and be defended in all courts of law and equity in this State; and to grant, bargain, and sell, or assign, any lands or tenements, goods or chattles, which now belong, or may hereafter belong to said seminary; to construct all the buildings necessary; to establish a musical department, and such other dependent institutions of said seminary as they shall deem proper; to have the management of finances, the privilege of electing their own officers, who may hold their respective offices for the term of one year or longer, as the board may determine; to make laws, rules and regulations for the government of said seminary, which they may deem necessary, and to enforce the same; *Provided*, They shall not be contrary to the constitution and laws of the United States or of the State of Arkansas, and in general, to do any, and all acts, which, in their judgment, shall be necessary for the general interest and prosperity of said seminary, in as ample a manner as any person or body politic can, or may do, by law.

SEC. 10. That the head of said seminary shall be styled president, who, together with the teachers thereof, shall be styled the faculty of Cane Hill Female Seminary, and who shall have power of enforcing the ordinances and by-laws adopted by the board of trustees for the government of the students of said seminary, by rewarding, censuring, suspending, or with the advice and consent of the board of trustees, by fully expelling such of them, as after repeated admonition, shall continue disobedient or refractory.

SEC. 11. That Thomas G. McCulloh is hereby declared the president of said seminary by virtue of his contract with James B. Russell, the former proprietor of said seminary.

SEC. 12. That after the expiration of said contract the board of trustees shall have power to appoint the president of said seminary, and employ the teachers thereof, from time to time, as the interests of the seminary may require.

SEC. 13. That the faculty of said seminary shall have power to grant or confer such degree or degrees in the arts and sciences, to any of the students of said seminary or others whom they may deem worthy, as are usually granted or conferred in seminaries, colleges or universities in the United States, and to give diplomas or certificates, signed by them and sealed with the common seal of the board of trustees, to authenticate and perpetuate the memory of such graduation.

SEC. 14. That said Synod shall have power to appoint a board of visitors to attend the examinations of said seminary, which board shall consist of five or more members, three of whom shall constitute a quorum to do business.

SEC. 15. That when any vacancy shall occur in the board of trustees it shall be filled by the said Arkansas Synod.

SEC. 16. That the board of trustees shall have the power of fixing the salaries of the faculty, (after the expiration of the contract now existing,) and of all other officers connected with said seminary.

SEC. 17. That the trustees shall have power to remove any officer of said board, or any member of the faculty of said seminary, for neglect or misconduct; a majority of said trustees concurring in such removal.

SEC. 18. That all lands and public buildings, and other property which now belongs, or may hereafter belong to said seminary, devoted to educational purposes, shall be for ever exempt from taxation, either by State or county.

SEC. 19. That no misnomer of said seminary shall defeat or annul any gift, grant, devise, or bequest, which may be made to the same.

SEC. 20. That the said board of trustees shall have power to endow said seminary by the sale of scholarships, or otherwise, as they may deem expedient; *Provided*, That nothing contained in this act shall be construed as conferring banking privileges.

SEC. 21. That this act shall be deemed a public one, and shall take effect and be in force from and after its passage.

Approved 10th December, 1852.

An act to change the time of holding the Probate court in the county of Phillips.

SECTION.

1. Probate court to be holden on the fourth Mondays in January, April, July and October, in each year.
2. Writs and process returned to said

SECTION

- court agreeably to this act.
3. Declares this act in force from and after its passage; and repeals all laws conflicting therewith.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the probate court of Phillips county shall be held on the fourth Mondays of January, April, July and October, in each and every year, and continue from day to day, as is now provided by law.

SEC. 2. *Be it further enacted,* That all writs or processes made returnable to said probate court, shall be returned to said court, as established by this act; and all settlements to be made with said court, shall continue to, and be made at the time directed by the first section of this act.

SEC. 3. *And be it further enacted,* That this act take effect and be in full force from and after the passage thereof; and all laws in conflict with this act are hereby repealed.

Approved 10th December, 1852.

An act to change the time of holding the Probate court of Sebastian county.

SECTION

1. Probate court to be holden on the third Mondays of January. April, July and October, in each year; and all process issued or hereafter to be

SECTION

- issued, returnable on first day of said terms.
2. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the probate court of the county of Sebastian shall commence and be holden on the third Mondays of January, April, July and October, in each year; that all cases pending in said court shall be heard in the same manner as though no change had been made in the commencement of the terms of said court, and that all process issued or hereafter to be issued, shall be returnable on the first day of said terms.

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force from and after the first day of February, 1853.

Approved 10th December, 1852.

An act to change the time of holding the County and Probate courts of Lafayette county.

SECTION.

- 1 County court to be holden on the second Mondays after the fourth Mondays of January, April, July and October; and the probate court to be holden on the Tuesday of the week of the county court.
2. All process of said courts, issued in vacation, returnable to the first term of said court; and all settlements

SECTION.

- due from executors, administrators or guardians, to be filed at first term of the probate court, as herein provided by law.
- 3 All laws or parts of laws in conflict with this act repealed; and this act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county courts of Lafayette county shall be holden on the second Mondays after the fourth Mondays of January, April, July and October; and the probate courts of said county shall be holden on the Tuesday of the week of the county courts.

SEC. 2. That all process that may have issued from either of said courts, or by the clerk thereof in vacation, or may hereafter be issued, shall be returnable to the first term of said courts, as provided in this act, and shall have the same force and effect as if returned as now provided by law; and all settlements that may be due from executors, administrators, and guardians, at the next term of the probate court, as now provided by law, shall be filed at the first term of said court, as provided for in this act.

SEC. 3. That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

Approved 10th December, 1852.

An act concerning Chaplains.

SECTION

1. Declares the salary of the chaplains of the two Houses, and of the enrolling clerk of the Senate.

SECTION

2. This act in force from and after its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of three dollars per day be paid to each of the Chaplains of the two houses of the present General Assembly out of any money in the State Treasury, for their services during the present session; that one hundred and fifty dollars be, and the same is hereby appropriated, to pay the Enrolling clerk of the Senate, and he is hereby authorized to draw at the rate of three dollars per day from the time of his election until it shall amount to the sum hereby appropriated.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 10th December, 1852.

An act to change the time of holding the Probate court of Hot Spring county.

SECTION

1. Probate court to be holden on the second Mondays of January, April, July and October, in each year
2. This act not to affect any notice, process, or other proceeding, returnable to next term; but the same shall be determined as if no change had

SECTION

been made in the time of holding said court.

3. All laws or parts of laws conflicting with this act are hereby repealed; and this act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the probate court of the county of Hot Spring, shall hereafter be begun and holden on the second Mondays of January, April, July and October, in each year.

SEC. 2 *Be it further enacted,* That this act shall not in any manner avoid, impair, or affect any notice, process, suit, settlement, or other proceeding now pending in said probate court, continued or made returnable to the next term thereof; but that the same shall proceed and be determined at the next term of said court to be holden in accordance with this act, in the same manner as if no change had been made in the time of holding said court.

SEC. 3. *Be it further enacted,* That all laws or parts of laws conflicting with the provisions of this act be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved 11th December, 1852.

An act to change the present mode of appointing Deputy Clerks and Sheriffs.

SECTION

1. Empowers clerks and sheriffs to appoint their deputies, and the manner thereof.

SECTION.

2. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the clerks of the circuit courts, and each sheriff in this State, may appoint one or more deputies, for whose official conduct they shall be responsible, by a written appointment under their hands, to be approved by the circuit or county court judge in vacation, the approval to be endorsed upon the written appointment, which written appointment with the endorsement thereon, shall be filed and recorded in the Recorder's office of their counties.

SEC. 2. That this act be in force from and after its passage.

Approved 11th December, 1852.

An act to change the time of holding the Probate court of Ashley county.

SECTION

1. Probate court to be holden on the fourth Mondays in Janary, April, July and October, in each year.
2. No suit, action, or other proceeding, made returnable to next term of said court, shall be affected or impaired by the change made in this

SECTION

- act as to the commencement of said term; but all such proceedings shall be returned to the next term, according to this act.
1. All laws colflicting with this act are hereby repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That from and after the passage of this act, the probate court of Ashley county, and State of Arkansas, shall be holden on the fourth Mondays in January, April, July and October, in each year.

SEC. 2. That no suit, action, recognizance, appeal or other proceedings pending in said court, or made returnable to the next term of said court, as fixed by the law now in force, shall be avoided, impaired, or affected by the change made in this act, in relation to the commencement of said term, but that all such process, suits, actions, appeals and other proceedings, shall stand and be returnable to the next term of the court, held according to this act, and shall have full effect accordingly; and all continuances in said court shall be from the last term to the term appointed and authorized by this act; and that no suit or other proceeding pending in or returnable to said court, shall be discontinued or in any manner effected by any change hereby made.

SEC. 3. That all laws existing in conflict with this act, be, and the same are hereby repealed.

Approved 14th December, 1852.

An act to incorporate Arkansas College.

SECTION

1. Declares certain persons and their successors in office, a body politic, under the name and style of "Arkansas College," and defines their powers.
2. Said corporation to fill vacancies, and to hold property solely for educational purposes; the amount not to exceed two hundred thousand dollars at any one time, exclusive of necessary buildings, apparatus, etc.
3. Defines location, and declares said college competent in law to receive, hold and dispose of gifts, grants, or devise of real or personal prop-

SECTION

- erty, and to apply the same for the benefit of said institution.
4. Said corporation to appoint a president, professors, teachers, and servants, and to fill vancies.
 5. Said corporation to establish departments of study, to confer degrees, and grant diplomas.
 6. Said corporation to institute a board of examiners, to include the faculty, and not to exceed seven, three of whom may transact business, who shall examine all applicants for academical degrees.
 7. Declares a stated annual meeting of

SECTION

the trustees; the time to be designated at their first meeting.
8. Nothing herein to be so construed as to authorize a Theological profes-

SECTION

sorship.
9. This act to be in force from and after its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Robert Graham, T. B. Van Horne, J. M. Tibbetts, David Walker, J. H. Stirman, T. J. Pollard, Jesse Turner, Henry Wilcox, A. B. Greenwood, J. P. Morean, Samuel M. Rutherford, Absalom Fowler, E. H. English, Jabez Tanner, Seneca Sutton, Wilburn D. Reagan and George M. Pettigrew, and their successors, be, and they are hereby created a body politic and oorporate, under the name and style of "Arkansas College;" and henceforth shall be known by that name, and by that style and name to remain and have power to appoint their successors, to sue and be sued, plead and be impleaded, to have a common seal, and to alter, the same at pleasure, to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and servants: *Provided*, Such by-laws are not inconsistent with the constitution and laws of this State, and of the United States.

SEC. 2. That said corporation shall have power to fill such vacancies in their body as they may happen by death, resignation, or otherwise; and shall hold the property of said institution solely for the purpose of education, and not as a stock for the individual benefit of themselves, or of any contributor to the endowment of the same: *Provided*, That the amount owned by said corporation shall not, at any time, exceed two hundred thousand dollars, over and above the buildings, library, and apparatus necessary to the institution.

SEC. 3. That said institution shall be located in or near the town of Fayetteville, in Washington county, in this State. Said college shall be competent in law and equity, to take, in its said corporate name, real, personal and mixed property, by gift, grant, bargain, and sale, conveyance, will, devise, or bequest, of any person or persons, whomsoever; and the same estate, whether real or personal, to grant, bargain, sell, convey, devise, let, place out at interest, or otherwise dispose of, for the use of said institution, in such manner as shall seem most beneficial to said institution. Said corporation shall, according to their best judgment, apply the funds that may come into their hands in erecting suitable buildings, supporting necessary officers, instructors and servants, and in procuring books, maps, charts, globes, and philosophical, chemical, and other apparatus, necessary to the success of said institution.

SEC. 4. That said corporation shall have power to employ and appoint a president, treasurer, and all such professors, teachers and servants, as may be necessary, and shall have power to displace any or either of them, as the interest of said institution requires; to fill vacancies that may happen, by resignation, or otherwise, among such officers and servants, and to prescribe and direct the course of studies to be pursued by said institution.

SEC. 5. That said corporation shall have power to establish departments for the study of any or all of the learned and liberal professions, and to institute and grant diplomas in the same, to constitute and confer the degrees of doctor, in the learned arts and sciences, and "bells lettres," and to confer such other academical degrees as are usually conferred by the most learned universities.

SEC. 6. That said corporation shall have power to institute a board of competent persons, always including the faculty, who shall examine all applicants for academical degrees; and if such applicants are found to possess such knowledge pursued in said institution, as in the judgment of said board renders them worthy, they may be considered graduate in course, and shall be entitled to a diploma accordingly, on paying such fees as the corporation shall prescribe, which fee, however, shall not exceed the tuition bills of the whole course of studies in said institution; said examining board may not exceed the number of seven, three of whom may transact business, provided one be of the faculty.

SEC. 7. That there shall be a stated annual meeting of the trustees, to be held at such time as they shall appoint at their first regular meeting, held under this charter; and if any trustee shall fail to attend at a two successive annual meetings of said trustees without assigning a sufficient reason therefor, his seat may be vacated, and the trustees may proceed to fill the vacancy.

SEC. 8. That nothing herein contained shall be so construed as to authorize the establishment of a Theological professorship in said institution.

SEC. 9. That this act take effect from its passage.

Approved 14 December, 1852.

An act to change the Military Road in Hempstead county.

SECTION

1. Changes a part of the Military road in Hempstead county.
2. All persons liable to road work on that portion abolished, to perform

SECTION

- such labor on the road as established by this act.
3. This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that portion of the Military road between the residence of Philip Graves and the residence of John W. Williams, in the eastern part of Hempstead county, shall be, and is hereby, so changed as to conform to the route now traveled between the aforesaid residence.

SEC. 2. *Be it further enacted*, That all hands liable to be apportioned to work on that portion of the Military road which, by the first section of this act is abolished, are hereby made liable to work

on the road as changed, to the same extent as heretofore on the original Military road.

SEC. 3. *Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved 14th December, 1852.

An act amendatory of "an act to incorporate the Soulesbury College at Batesville, Arkansas, approved 26th December, 1850.

SECTION

1. Repeals certain sections of an act, to which this act is amendatory.
2. Locates and establishes the "Soulesbury Institute," at Batesville, under the control of the Arkansas annual conference, of the Methodist Episcopal Church, South.
3. Empowers the annual conference to remove any person from the board of trustees, as contemplated by section two of the act of which this act is amendatory, and to fill all vacancies.
4. Changes the word "College" in seventh section of the act to which this act is amendatory to "Board."
5. Annual conference to appoint teachers, the principal of whom shall be styled "President," who shall con-

SECTION

- stitute the faculty of said Institute, and have power to enforce its by-laws for the government of the same: no student to be expelled, except by a two-third vote of the members of the board present.
6. Said board of trustees to make an annual report to said conference, of all matters connected with the condition of said Institute
7. Declares the powers and duties of the board of trustees, and authorizes the payment to the President of said Institute, the sum of three hundred dollars, out of the school fund of Independence county.
8. This act in force, from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That sections one, five, eight and ten, of the act of which this is amendatory, be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That the institution of learning at Batesville, Arkansas, under the care and patronage of the Arkansas annual conference, of the Methodist Episcopal Church, South, shall be known and called by the name of the Soulesbury Institute.

SEC. 3. *Be it further enacted*, That the annual conference of the Methodist Episcopal Church South, be, and they are hereby empowered, to remove any member of the board of trustees, as contemplated by section two of the act, of which this is amendatory, and to fill the vacancy or vacancies so made, as also, all vacancies made in said board by death or resignation, with any person or persons of their selection, not inconsistent with the precedent condition as to requisite qualifications of such trustees, as specified, in said second section.

SEC. 4. *Be it further enacted*, That the word college in the fourth line, of the seventh section of the act, of which this is amendatory, be, and the same is changed to board.

SEC. 5. *Be it further enacted*, That the said annual conference,

shall have power to appoint all necessary teachers, to carry on said Institute, the principal of whom shall be styled "President," who, together with the other teachers, shall constitute the faculty of the Soulesbury Insititute; and the said faculty shall have power to make, carry out, and enforce all the by-laws and regulations necessary for the government of the same: *Provided*, That no student shall be expelled from said Institute, unless by a consenting vote of two thirds of the members present, at any regular or called meeting of the board of trustees aforesaid.

SEC. 6. *Be it further enacted*, That it shall be the duty of said board of trustees, to transmit to the annual conference aforesaid, annually, their report of the progress of said Institute, including tabular statements of the finances thereof, number of pupils, course of studies, number of teachers employed, their qualifications and names, together with a general history of the school, and a recommendation of such change in the teachers and government of the school as may seem to them, from time to time, best calculated to advance its interest; and the said annual conference may as often as they think proper, appoint a committee to visit said school, and inspect its condition.

SEC. 7. *Be it further enacted*, That the board of trustees shall construct all necessary buildings, procure all the necessary books, and apparatus for the use and benefit of the Institute; fix the salaries of the teachers, and fees of the students, and have charge and control of all the finances of said Soulesbury Institute; and that the Treasurer of the county of Independence, be, and he is hereby required to pay to the President of said Institute, the sum of three hundred dollars, out of the school fund arising from fines and forfeitures in said county, for the purpose of purchasing a chemical and philosophical apperatus, for the use of said Soulesbury Institute, under the direction of said trustees.

SEC. 8. *Be it further enacted*, That this act take effect, and be in force, from and after its passage.

Approved, 14th December, 1852.

An act to establish and incorporate the Mine Creek Male and Female College in Hempstead county.

SECTION

1. Establishes and locates the "Mine Creek Male and Female College."
2. There shall be ten trustees, a majority of whom shall constitute a quorum.
3. Declars certain persons to be said trustees.
4. Said trustees a body corporate and

SECTION

- politic in law, with power to have, receive gifts, grant and bequests for the benefit of said college.
5. There shall be two stated meetings of said board, every collegiate year.
6. Said trustees to have and use a common seal, to sue and be sued in any court in the State; have pow-

SECTION

- or to buy or sell property, for the interest of the college; to construct necessary buildings, control the finances, elect their officers, and to do all things in their corporate name, in a manner as complete, as any person or body politic, can or may do in law.
7. Trustees to prescribe the course of studies, and enact by-laws for the government of said college.
 8. The head of the college shall be styled "President," who with the other male professors shall constitute the faculty, and have power to enforce the by-laws and ordinances adopted by the trustees, provided, that no student shall be expelled except by a vote of a majority of the trustees.
 9. Said trustees by the president, or professors to grant diplomas to be signed by them, and sealed with

SECTION

- their common seal.
10. Trustees, by a vote, to fill vacancies either in their own body, or the faculty of the college.
 11. Trustees to appoint all necessary officers.
 12. Trustees to fill any vacancy in the office of president or professorships.
 13. Trustees to fix salaries of officers of said college, and by vote to remove them for misconduct.
 14. Property belonging to said college free from all kinds of public tax.
 15. Misnomer not to defeat any gift or grant to said college.
 16. No professor eligible to the office of trustee, nor trustee to that of professorship, at the same time.
 17. This act to take effect from and after its passage, and to be in force until the year 1900, subject to renewal by the legislature.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That an institution of learning, be, and the same is hereby established at Mine Creek, in the county of Hempstead, to be denominated "The Mine Creek Male and Female College."

SEC. 2. *Be it further enacted,* That there shall be ten trustees, who are hereby authorized to take charge of said college; and a majority of the whole number, shall constitute a quorum to do business.

SEC. 3. *Be it further enacted,* That the following persons have been duly chosen, as trustees of said college, and are recognized as such, to-wit: C. P. Williams, Harmon Bishop, W. M. Coulter, J. W. Jones, Thomas G. Parker, P. W. Coulter Edward Werson, A. B. Clements, George W. Green and Daniel A. Reader.

SEC. 4. *Be it further enacted,* That the trustees aforesaid be, and they are hereby constituted a body politic and corporate, in deed and law, by the name of "the President and Trustees of the Mine Creek Male and Female College;" and by their name, they and their successors shall have perpetual succession, and be able and capable in law, to have and to receive any lands, tenements, goods, chattles, hereditaments in fee, or for life, or for years, for the benefit of said college; and also all moneys; and all property, of any description, which may be given, granted, or bequeathed to them, or their successors for said college.

SEC. 5. *Be it further enacted* That there shall be two stated meetings of the board of trustees every collegiate year, at such times as the board may, from time to time appoint, and at such other times as the president of the board may deem it necessary.

SEC. 6. *Be it further enacted,* That the trustees of said college, shall, and may have a common seal, for the business of themselves and their successors, with liberty to change and alter the same,

from time to time, as they may think proper; and by their name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity in the State of Arkansas; and they shall have power to buy or sell property belonging to said college, or make any other disposition of the same, which, in their opinion, the interests of said college may require; they may construct any buildings, necessary for said institution, which they may deem proper; and they may purchase any apparatus, furniture or library, which said college may need. The said board shall have charge of their own finances; the privilege of electing their own officers, and of appointing all necessary committees, and to act, and do all things whatsoever, for the benefit of said college, in a manner as ample as any person, or body politic or corporate, may or can do by law.

SEC. 7. *Be it further enacted*, That the said trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all ordinances and by-laws that shall appear to them necessary for the government of said college: *Provided*, The same be not repugnant to the constitution and laws of this State.

SEC. 8. *Be it further enacted*, That the head of this college shall be styled the president; and all the male instructors, professors, and the president, and professors of said college, or a majority of them, shall constitute the faculty of said college; and they shall have the power to enforce the ordinances and by-laws adopted by the trustees, for the government of the students, by rewarding or censuring them, and finally, by suspending such of them, as after repeated admonitions, shall continue disobedient or refractory.—Such suspensions shall continue until a meeting of the board of trustees, when they shall decide according to the merits of the case; *Provided however*, That no student can ever be expelled but by a vote of a majority of the whole number of trustees.

SEC. 9. *Be it further enacted*, That the trustees shall have power, by the president, or professors of said college, to grant or confer such degree or degrees in the arts and sciences, upon any of the students of the said college, or persons by them thought proper, as are usually granted, or conferred in other colleges; and to give diplomas, or certificates thereof, signed by them and sealed with their common seal, to authenticate and perpetuate the memory of such graduation.

SEC. 10. *Be it further enacted*, That whenever any vacancy shall occur, either in the board of trustees or the faculty of said college, by death, resignation, or removal from the State; in either case such vacancy shall be filled by a vote of the board of trustees.

SEC. 11. *Be it further enacted*, That all necessary officers of said institution shall be appointed by the board of trustees.

SEC. 12. *Be it further enacted*, That whenever a vacancy shall occur in the presidency, or professorship of said college, the trustees shall have power to fill such vacancy.

SEC. 13. *Be it further enacted,* That the trustees shall have the power of fixing the salaries of all the officers of this institution, and of removing them from office for neglect of duties or misconduct, by a vote of a majority of the whole number of trustees.

SEC. 14. *Be it further enacted,* That all the property of said college is hereby declared free from all kinds of public tax.

SEC. 15. *Be it further enacted,* That no misnomer of said college shall defeat or annul any gift, grant, or devise, or bequest to the same.

SEC. 16. *Be it further enacted,* That no professor of this institution shall be eligible to act as trustee for the same, and in case either of the trustees shall hereafter be appointed to discharge the duties of professor, he, or they, so appointed, shall resign the station of trustee before entering upon the duties of professor.

SEC. 17. *Be it further enacted,* That this act shall take effect from its passage, and remain in full force until the year 1900, subject to renewal by the legislature.

Approved 15th December, 1852.

An act to grant a charter to the Cincinnati and Little Rock (Slate) Company.

SECTION

1. Declares president and directors and company of the Little Rock and Cincinnati slate company a body politic, with power to sue and be sued, plead and be impleaded, and to merchandize.
2. Fixes the amount of the company to \$60,000, and to be increased to \$200,000, in shares of \$50 each, and transferable.
3. A board of directors not less than three nor more than nine, one of whom to be president, and to be a citizens of the United States.
4. President and directors to fill all vacancies, and to make by-laws and rules for the management of said

SECTION

- corporation.
5. Board of directors shall declare and pay dividend.
6. Provides for the election of directors.
7. Books opened to inspection of the stockholders.
8. Said company empowered to draw drafts and bills of exchange.
9. By notice of directors shares may be sold
- 10 The property and estate of said company liable for debts, but the stockholders not liable.
11. This act to be in force for 50 years from and after its passage, this act a public act.

WHEREAS, for the purpose of developing the resources of the State of Arkansas, it is expedient that this legislature should do everything in its power to incite and encourage capitalists, and men of wealth, to take the necessary steps for the development of such resources—Therefore :

Be it enacted by the General Assembly of the State of Arkansas, That the president, directors, and company of the Cincinnati and Little Rock State (Slate) Company, and all others who may hereafter, be associated with them, be, and they are hereby, with their

assigns, and successors, made, constituted, and established, a body corporate for the purpose of quarrying slate, manufacturing it in the forms, and for the various uses to which it may be applied, and to carry on the business of merchandizing; and by that name they and their assigns, and successors in office, shall be, and are hereby authorized and empowered to purchase, take, hold, occupy, possess and enjoy all slaves, lands, tenements and hereditaments, that may, or shall be necessary for the views and objects of said corporation, and the same to dispose of at pleasure, or to take or give or lease or leases thereof and therefor, for a term of years; and may be capable to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of record, or elsewhere, by the name and style aforesaid; and that said corporation may have and use a common seal, the same to alter or renew at pleasure.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be \$60,000, with the power to increase the same to \$200,000, to be divided into shares of \$50 each; such shares to be deemed and considered as personal estate, and be transferable on the books of the company, in such forms as the directors thereof shall prescribe; and said company shall, at all times, have a lien upon all the stock, or property of the members of said company, for all debts due to said company.

SEC. 3. *Be it further enacted*, That the stock, property, and affairs of the corporation of said company, shall be managed by a board of directors of not less than three, nor more than nine, of whom one shall be, by them, appointed president: who shall hold their offices for one year, and until their successors are appointed or elected. Said directors shall be stockholders, and citizens of the United States, and shall be elected annually, at such time and place as the by-laws, or regulations of said company shall provide; and a majority of the directors and stockholders present at any legal meeting, shall be capable of transacting the business of the company; and their acts shall be binding on all stockholders; and in all meetings each share of stock shall entitle the owner or holder thereof to one vote.

SEC. 4. *Be it further enacted*, That the said president and directors, or a majority of them, shall have the power to fill any vacancy that may occur in their body, or board, by death, resignation, or otherwise, for the current year; and to elect, appoint or employ, from time to time, a secretary, treasurer, superintendent, and such other officers, mechanics, and laborers, as they may think proper, for the transaction of their business, and the concerns of said corporation; to make such by-laws, rules and regulations, as they may think proper and expedient for the management of the business of said corporation; and the same to alter, or repeal: *Provided always*, That such by-laws rules, and regulations shall not be inconsistent with the laws of this State, or of the United States.

SEC. 5. *Be it further enacted*, That said board of directors shall,

and may, from time to time, as often as the interests of the stockholders require, declare and pay a dividend, or dividends of profit on each share, which shall be paid by the treasurer of said company.

SEC. 6. *Be it further enacted*, That if it should happen, that no election of directors should take place in any one year, at the time appointed for an annual meeting of the stockholders and others, the corporation shall not for that reason be dissolved; but such election may be held thereafter, on any convenient day within one year, to be fixed by the directors, they first giving due notice thereof.

SEC. 7. *Be it further enacted*, That the books of said company containing their accounts, shall at all reasonable times be open for the inspection of the stockholders, and as often as once in each year, a statement of accounts shall be made by order of the board of directors.

SEC. 8. *Be it further enacted*, That for the purpose of facilitating the operations of said company, they shall have power to draw and sell drafts or bills of exchange, in such sums, or amounts, as they may think proper, on the different cities to which they may ship their merchandize.

SEC. 9. *Be it further enacted*, That the directors may call in the subscriptions to the capital stock by installments, in such proportions, and at such times and places, as they may deem proper, giving such notice as the by-laws and regulations of said company may require, and if any stockholder, or subscriber to stock, shall neglect or refuse to pay such installment or installments for the term of sixty days after the same shall have become due, and payable, and after he, she or they, shall have been notified thereof, the treasurer of said company shall offer at public sale, (first giving notice of said intended sale by publication in some newspaper printed at the city of Little Rock, and some other newspaper printed at the city of Cincinnati), all the share, or shares of such negligent or refusing stockholder, to the highest bidder for cash in hand, who shall become the owner of such share or shares: *Provided*, That if any such share or shares, so offered at public sale, shall not sell for such amount as will pay the installment or installments due thereon, the same shall not be sold, and such negligent or refusing stockholder, or stockholders, shall forfeit to said company, all his, her, or their previous installments, together with his, her, or their rights or interests in said company.

SEC. 10. *Be it further enacted*, That for all debts due at any time from said company, the property and estate of said corporation shall be liable, but the stockholders thereof, shall not be liable or responsible in their private capacities.

SEC. 11. *Be it further enacted*, That this act shall continue and be in force during the term of fifty years, and shall take effect, and be in force, from and after its passage.

SEC. 12. *Be it further enacted*, That this act shall be deemed a public act, and shall be at all times recognized as such in all courts and places-whatsoever.—Approved, 15th December, 1852.

An act to incorporate Cane Hill College.

SECTION

1. Declares the name of "Cane Hill Collegiate Institute," changed to "Cane Hill College."
2. Management hereafter to be under the Synod of the Cumberland Presbyterian Church.
3. Names of trustees; the board to be called the "Board of Trustees of Cane Hill College;" their powers rights and privileges.
4. Property of said institution to be forever free from public taxation, and to descend to the present board and their successors.
5. Powers of trustees in relation to officers and vacancies.
6. Trustees to appoint a board of visitors.
7. Synod have power to fill vacancies of trustees and visitors.
8. Trustees to report to Synod.

SECTION

9. Declares the authority of the president and trustees, to select one to preside over their deliberations in case of vacancy.
10. President, trustees and professors, to prescribe the course of study and regulate discipline.
11. Trustees to have power to confer degrees and grant diplomas.
12. Trustees to have power to raise funds, dispose of scholarships, etc.
13. Board of trustees when to hold their meeting, how called and by whom quorum.
14. Trustees to determine salaries and make removals.
15. Prevents construction from granting banking privileges.
16. The act to be determined a public one, and when to be in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the name of the institution of learning at Brownsboro, in Washington county, Arkansas, heretofore known as the "Cane Hill Collegiate Institute," be, and the same is hereby changed, and the said institution shall hereafter be denominated "Cane Hill College."

SEC. 2. That said institution shall hereafter be under the control and management of the Arkansas Synod of the Cumberland Presbyterian Church, instead of the Arkansas and Washington Presbyteries of said Church.

SEC. 3. That the following persons be, and they are hereby appointed trustees of said College, viz: Andrew Buchanan, William D. Crawford, John Buchanan, James B. Russell, Lewis B. Hagood, Benjamin H. Pierson, Samuel Doak Lowry, Richard H. Bean, James A. Hagood, Samuel McCulloch, George Morrow, Isaac W. Talkington, and Anderson Cox; who are hereby constituted a body politic, and corporate in deed, and in law, by the name of the "Board of Trustees of Cane Hill College," and by that name, they, and their successors in office, shall, and may have perpetual succession, and be able and capable in law, to have, receive, and enjoy all real and personal property, of any kind whatever, which may have heretofore been, or may hereafter be given, granted, or bequeathed to said institution, for the purpose of establishing or supporting the same; may have and use a common seal; contract under seal or otherwise, sue and be sued, plead and be impleaded, answer and be answered, and defend and be defended in all courts of law and equity of this State, and to grant, bargain, sell or assign any real or personal property, in such manner as they may think expedient; and to act and do all things whatsoever for the

benefit of said college, in as ample a manner as any person or body politic, can or may do by law: *Provided*, They shall always be under the control of said synod: and, *Provided*, They shall perform no act contrary to any law of this State, or of the United States.

SEC. 4. That all property now owned, or hereafter acquired by said institution, shall be for ever free from public taxation; and that any conveyances that may have been made to the trustees of said institution heretofore appointed, by deed, gift, will, or otherwise, shall come to the trustees appointed by this act, in their new corporate name and character, and be held by them as though the same had been made to them since the enactment of this charter; and that no misnomer shall annul or defeat any gift, grant devise, or bequest, to said college.

SEC. 5. That said trustees shall have power to elect a president and professors in said college, and such other teachers as the interest of said institution shall require, and to fill vacancies when they occur in the faculty of said college.

SEC. 6. That said synod shall have power to appoint a board of visitors, whose duty shall be to attend the annual examinations in said college.

SEC. 7. That said synod shall have power, at its stated annual meetings, to fill all vacancies in the board of trustees, and in the board of visitors.

SEC. 8. That said trustees shall report to said synod, at its stated annual meetings, the condition of said college and its finances, the number of its professors and other teachers employed, and their qualifications, the course of study, the number of students and their advancement, and such other information as they may deem necessary,

SEC. 9. That the president of said college, when elected, shall be ex-officio president of the board of trustees of said college, and until there shall be a president of said institution elected; and thereafter, whenever a vacancy shall occur in the office of president, the trustees shall, at each of their meetings, select one of their number to preside over their deliberations.

SEC. 10. That said trustees, together with the president and professors of said college, shall prescribe the mode of education, the course of study, the discipline, and the manner of enforcing it in said institution.

SEC. 11. That the faculty of said college shall have power to confer such degrees in the arts and sciences upon the students thereof, or upon such other persons, as in their judgment are worthy of them, as are usually conferred by colleges and universities in the United States; and to grant diplomas, or certificates thereof, which shall be signed by the president and professors of said college, and sealed with the common seal of the corporation, to authenticate and perpetuate the memory of such graduation.

SEC. 12. That said trustees shall have power to raise the sum of one hundred thousand dollars, for the purpose of endowing said institution, the interests of which, alone shall be used for the benefit of said institution; and to dispose of scholarships, and professorships, on such terms as they may hereafter determine.

SEC. 13. That said board of trustees shall hold their first meeting at said institution, on the fourth day of February next, (1853), and thereafter, when it shall be deemed necessary; the president, if elected, and present, shall call such meeting by giving each trustee sufficient previous notice to enable him, with reasonable efforts, to attend; and in the absence of a president, any two members, by giving such notice, may call such meeting; and any five members, with the president, after one is elected, or in case he be absent, any six of said trustees, shall be a quorum to transact business.

SEC. 14. That said trustees shall have power to determine the salaries of all officers connected with said college, and of removing any of them for neglect of duty, or misconduct in office, a majority of said trustees, present at the time, concurring in such removal.

SEC. 15. That no section or part of this act shall be construed as conferring banking privilege.

SEC. 16. That this act shall be deemed a public one, and shall take effect and be in force from and after its passage.

Approved 15th December, 1852.

An act to establish the county of Columbia.

SECTION.

1. Cutting off a portion of Hempstead county, and annexing the same to Ouachita.
2. Justices of the Peace to retain office, but authority limited.
3. Sheriffs authority limited.
4. New county of Columbia established; its boundaries &c.
5. Duties of plaintiffs and clerk of circuit court to procure transcript of suits pending against citizens of said county; depositions, etc., how proceeded with.
6. Executions issued by the counties of Lafayette, Union, Hempstead and Ouachita, against persons in the new county, to be handed to the sheriff of Columbia county, and by him collected.
7. Executors, administrators, and guardians to procure transcripts and papers from the clerks of probate courts, in the original counties, and

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- how further to proceed.
8. Duty of new clerk of Columbia county to give notice to the original counties of the elections, and the duty of the officers of the original counties in relation to transcripts, etc.
9. Duty of justices and constables in the new county; powers, fees and penalties, exceptions, etc.
10. Duty of sheriffs of Lafayette, Union, Hempstead and Ouachita, to advertise previous to holding election; how and when; excepting justices and constables; judges of election.
11. Election of commissioners to locate the county seat; the powers, duties and restrictions.
12. Right of sheriffs of Lafayette, Union, Hempstead and Ouachita, to collect fees and taxes due them in the limits cut off from their respective counties.

SECTION.

13. Clerks and sheriffs of original counties; their compensation; and to be paid by Columbia county.
14. Poll books of election to be returned to clerk of Lafayette county.
15. Duty of the clerk of Lafayette county, as to certificate of elections.
16. County court when to be holden and how notice thereof given.
17. County courts, when held; election of associate judges of county court.
18. Temporary seat of justice to be at Ferguson and Morgan's store, in

SECTION

- Clark township, until otherwise provided for; executions, transcripts, papers, etc., filed in the office of clerk at the temporary seat of justice, to have the same force and effect as they could have at the place of holding courts in the original counties.
19. Probate court, when holden.
 20. Voters of the new county to vote in their former respective counties until the next apportionment.
 21. Act, when to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all that portion of Hempstead county lying east of the range line, between range twenty-two and twenty-one, and north of the township line, between townships thirteen and fourteen, be, and the same is hereby cut off of said county of Hempstead, and declared to be a part of the county of Ouachita.

SEC. 2. That all justices of the peace, and constables, residing in that portion of Hempstead county hereby cut off and embraced within the county of Ouachita, shall hold their respective offices, possess the same powers, be entitled to the same fees, and subject the same penalties as they would have been in the county of Hempstead; but they shall use the name of the county of Ouachita, and be restricted within its limits, except in cases that may be pending before them at the time of the passage of this act: In all such cases they shall possess the power and jurisdiction that they are now entitled to by law, for the final adjudication and settlement of all said cases.

SEC. 3. That the present and late sheriffs of the county of Hempstead, shall have the same right and authority to pass into that portion of Hempstead county hereby cut off and made a part of the county of Ouachita, as they now have, for the purpose of collecting any fees, or arrearages of taxes that may be due said sheriffs, and shall have the same authority to collect such fees and taxes that may be due, as they now have by law.

SEC. 4. That a new county, to be called Columbia, to have and enjoy all the rights, privileges, and immunities of an independent county, be, and the same is hereby established, with the following boundaries, to-wit: beginning on the Louisiana line, in the center of range twenty-three, and running north with the center of said range, to the line between township thirteen and fourteen, thence east with said line to the corner of section four and five, in township fourteen, range twenty, thence south six miles, thence east four miles, thence south six miles to the southeast corner of township fifteen, range twenty, thence east, on the township line, between townships fifteen and sixteen, to the corner to sections four and five, in township sixteen, in range eighteen, thence south to

the the township line, between townships eighteen and nineteen, thence west on said line six miles, thence south to the Louisiana line, thence west to the place of beginning.

SEC. 5. That it shall be the duty of the plaintiffs in all civil cases, and of the clerk of the circuit court of the county hereby established, in all criminal cases, to procure from the clerks of the circuit courts of the counties of Lafayette, Union, Hempstead and Ouachita, a transcript from the records of their respective counties, of all suits, both civil and criminal, pending against any person or persons residing within the county hereby established; also the depositions and other papers on file, relating to any of said cases so pending in any of said counties, on or before the first day of the circuit court, at the first term thereof, of the county of Columbia, which transcripts, depositions, and papers so filed, shall be taken and considered as records of the circuit court of the county of Columbia, and be proceeded in, as though said suit or suits had originated in said county of Columbia.

SEC. 6. That all executions that may have been issued, or that may hereafter be issued, upon any judgment rendered in any court of said counties of Lafayette, Union, Hempstead and Ouachita, against any person or persons residing within the limits of the county hereby established previous to the taking effect of this act, shall be handed over to the sheriff of the county of Columbia, and shall be by him collected in the same manner as if said judgments, upon which said executions were issued, had been rendered in the county of Columbia.

SEC. 7. That all executors, administrators, and guardians, residing in the county hereby established, and who had, before the taking effect of this act, administered upon any estate, or taken upon him, her, or them, the execution of any late will and testament, or the guardianship of any minor, residing within the county hereby established, are hereby required to procure from the clerks of the probate courts of the counties of Lafayette, Union, Hempstead and Ouachita, a true and perfect transcript from the record, of all such matters as pertains to their respective trusts; also all papers belonging thereto, on file in the offices of the clerks of the probate courts, in said counties of Lafayette, Union, Hempstead and Ouachita, and to file the same in the office of the clerk of the probate court of the county hereby established, and shall thereupon proceed to make settlement of their respective trusts, according to law, and be subject to the same penalties as they would have been before the passage of this act.

SEC. 8. That it shall be the duty of the clerk of the county of Columbia, immediately after his election, to give notice in writing, under the seal of his office, if there be any seal, if not, under his private seal, to the clerks and sheriffs of the counties of Lafayette, Union, Hempstead and Ouachita, of his election, also of the election of sheriff for said county of Columbia; whereupon, it shall be

the duty of the clerks of the different courts in the counties of Lafayette, Union, Hempstead and Ouachita, upon the application of the plaintiff or plaintiffs in any case or cases, which may be pending in any of said courts, who reside in the county of Columbia, to make out a true and perfect transcript from the record of all such matters and things as pertains to any of the said cases, and to certify the same to be true and perfect, and to attach the seal of his office thereto; also upon the application of the clerk of said county of Columbia, or of the prosecuting attorney for the district in which said county of Columbia may be embraced, for a transcript of any criminal case or cases that may be pending in said courts against any person or persons, residing in said county of Columbia, to make out and certify the same, as above provided, and to envelope the transcript in each case, together with the papers thereto belonging, to seal them up, and direct it to the clerk of the county of Columbia.

SEC. 9. That all justices of the peace, and constables, residing in that portion of Lafayette, Union, Hempstead and Ouachita counties embraced within the county of Columbia, shall hold their respective offices, possess the same powers, be entitled to the same fees, and subject to the same penalties, as they would have been in the counties from which they were cut off; but they shall use the name of the county of Columbia, and be restricted within its limits, except in cases that may be pending before them at the time of the taking effect or passage of this act; and in all such cases, they shall possess the same power and jurisdiction as they are now entitled to by law, for the final adjudication and settlement of all said cases.

SEC. 10. That it shall be the duty of the sheriffs of Lafayette, Union, Hempstead and Ouachita counties, to make known by advertisements, to be posted up at three of the most public places in each of the townships cut off from their respective counties, at least ten days previous to the time of holding the election, that on the first Monday in February next there will be an election held at the usual places of holding elections in the different townships embraced within the county of Columbia, for the purpose of electing all officers necessary to the organization of said county of Columbia, except justices of the peace and constables. Said election shall be held by the several judges of the last general election, who may reside in said county of Columbia; and in case of their failure, by judges to be selected and appointed by the legal voters, as now provided by law.

SEC. 11. That there shall also be elected, at the same time and places, three commissioners for the county at large, by general ticket, to locate the county seat of Columbia county; and said commissioners shall possess and exercise all the duties and powers of county commissioners for said county of Columbia, and be governed in the same manner, and subject to like restrictions as is

now provided by law; *Provided*, That said commissioners shall locate the county seat within three miles of the centre of said county, taking into consideration the most eligible places, donations, and the general interest of the people of said county.

SEC. 12. That the present and late sheriffs of the counties of Lafayette, Union, Hempstead and Ouachita, shall have the same right to pass into the county of Columbia, as they now have, for the purpose of collecting any fees, or arrearages of taxes that may be due said sheriffs, and shall have the same authority to collect such fees and taxes as they now have by law, within the limits cut off from their respective counties.

SEC. 13. That the clerks and sheriffs of the counties of Lafayette, Union, Hempstead and Ouachita, shall be allowed the same compensation for services, required of them by this act, as they are now entitled to for similar services, which shall be paid by the county of Columbia.

SEC. 14. That the poll books of the elections provided for in this act, shall be returned to the clerk of the county of Lafayette, and the same shall be by him opened, counted and certified to the Governor, in the same manner as is now provided by law.

SEC. 15. That the clerk of the county court of Lafayette, shall give the requisite numbers of persons receiving the highest number of votes for county commissioners, their certificates of elections; which certificates shall have the same force and effect as if given by the clerk of the county of Columbia.

SEC. 16. That so soon as may be, after the sheriff, clerk and presiding judge of the county court of said county of Columbia, shall be commissioned and qualified, a county court shall be holden, the sheriff giving public notice in each of the townships in said county, at least ten days before the holding of said court.

SEC. 17. That the county court of the county of Columbia, shall be holden on the second Mondays of January, April, July and October, in each year; and that the justices of the peace, in and for said county, shall meet at the county seat, on the first day of the first term of said court, for the purpose of electing associate judges of said county court, in the same manner as is now prescribed by law.

SEC. 18. That the temporary seat of justice for said county of Columbia shall be at Ferguson and Morgan's store, in Clarke township, until otherwise provided for by law; and all executions and process issued by the clerks of the circuit, probate and county courts of the counties of Lafayette, Union, Hempstead and Ouachita, against any person or persons residing within the county of Columbia, as now established; and all transcripts, records, papers and depositions which may be filed in the office of the clerk of the circuit court of the county of Columbia, shall have the same force and effect at the temporary seat of justice of said county, as they

would or could have had at the place of holding courts in the counties of Lafayette, Union, Hempstead and Ouachita.

SEC. 19. That the probate courts of said county of Columbia shall be holden on Tuesday of the week following the time fixed by this act for holding the county courts.

SEC. 20. That until the next apportionment of the State for representatives to the General Assembly, the voters of the several counties of Lafayette, Union, Hempstead and Ouachita, shall give their suffrages for senators and members of the lower house, within the county in which they resided, before the establishment of the foregoing county of Columbia.

SEC. 21. That this act take effect and be in force from and after its passage.

Approved 17 December, 1852.

An act for the benefit of Township 19 south, Range 1, West, in Chicot county, Arkansas.

SECTION.

1. Provides that the 4th section of chapter 145 of Digest, be so amended as to legalise the sale of the sixteenth

SECTION

section, with provisions.

2 Act to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That section 4, of chapter 145, of the Digest of the statutes of Arkansas, be so amended as to legalise the sale of the sixteenth section, of said township; *Provided*, There be five householders, and seven unmarried white children, between the ages of five and twenty-one, and a majority of the householders of said township shall be desirous of having said sixteenth section sold for the use of schools in said township.

SEC. 2. *Be it further enacted*, That this act shall take effect and be full in force from and after its passage.

Approved 18th December, 1852.

An act to amend the first section of an act creating the county of Calhoun; approved 6th December, 1850.

SECTION

1. Addition to section 1st of the "act" creating Calhoun county, to "enjoy

SECTION

all the rights of a separate and independent county.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the following words be, and they are hereby ad-

ded to the 1st section of the "act" creating the county of Calhoun, to wit: to be erected into a separate and distinct county, to be called "Calhoun," to enjoy all the rights, privileges and immunities of a separate and independent county.

Approved 18th December, 1852.

An act to incorporate the Boston Male and Female Academy, in Franklin county, in this State.

SECTION

1. Names certain persons as a body corporate under the style of "Trustees of the Boston Male and Female Academy.
2. Trustees may hold ten acres of land; also, any amount of property not to exceed \$25,000.
3. Trustees have power to sue and be

SECTION

- sued, plead and be impleaded, and to make by-laws and rules for the government of said academy.
4. Charter in force 20 years, subject to renewal; majority of trustees to fill vacancies in their board; this act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That to encourage education in this State, Elias Turner, William R. James, Timothy Cude, J. T. Turner, and William A. Hill, and their successors, are hereby created a body corporate and politic, under the name and style of the "Trustees of the Boston Male and Female Academy, of Franklin county."

SEC. 2. *And be it further enacted,* That the said trustees, and their successors, shall be capable of acquiring, holding and possessing, in their corporate capacity, a lot of land, not to exceed ten acres, for the erection of suitable buildings, and to acquire and hold, also in their corporate name, any amount of property for the use of said academy, both real, personal and mixed, not to exceed in value twenty-five thousand dollars, exclusive of the lot of land upon which the buildings of said academy are situated.

SEC. 3. *And be it further enacted,* That the said trustees and their successors, shall possess all the powers that are usually granted of suing and being sued, pleading and being impleaded, and to make all by-laws, rules, and regulations, which may be necessary for the good order and government of said academy, not inconsistent with the constitution and laws of this State.

SEC. 4. *And be it further enacted,* That this charter shall extend, and be in force, for the term of twenty years, subject to be renewed by the legislature of this State; and should any vacancy at any time occur in said board of trustees, it shall be lawful for a quorum of said board (which is hereby declared to be a majority of all the members) to fill said vacancy by appointment; and further that this act be in full force from and after its passage.

Approved 20th December, 1852.

An act to amend the 121st chapter of the Digest of the statutes of Arkansas, under the head of Penitentiary.

SECTION

1. Sheriff of Pulaski county, when conveying convicts from the Penitentiary to county seats by order of the supreme court, entitled to same

SECTION.

compensation as sheriffs when conveying convicts from county seats to the Penitentiary.

2. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That in all cases where the sheriff of Pulaski county, in this State, may be ordered by the supreme court thereof, to take or convey from the penitentiary and jail house in this State, any convict therein, to the county seat of any county in this State, said sheriff shall be entitled to the same pay, and shall be paid in the same manner, as the sheriffs of the several counties in this State are paid under the existing laws, for conveying convicts to said penitentiary and jail house.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 20th December, 1852.

An act to change the time of holding the County and Probate Courts for the county of Monroe.

SECTION

1. County court to be holden on the first Mondays in January, April, July and October, in each year.
2. Probate court to be holden on the second Mondays in January, April,

SECTION

July and October, in each year.

3. All laws conflicting with this act repealed; and this act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county court for the county of Monroe, shall hereafter be holden on the first Mondays of the months of January, April, July and October, in each and every year.

SEC. 2. *Be it further enacted*, That the probate court for the county of Monroe, shall be holden on the second Mondays in the months of January, April, July and October, in each and every year.

SEC. 3. *Be it further enacted*, That all laws conflicting with the provisions of this act, be, and the same are hereby repealed; and that this act take effect, and be in force, from and after its passage.

Approved 20th December, 1852.

**An act to change, in part, the time of holding the Circuit Courts
on the third judicial circuit in this State.**

SECTION

1. Changes the time of holding the circuit courts in the counties of Independence, Van Buren, Searcy, Marion, Izard, Fulton, Lawrence, Randolph, Jackson and White.
2. No suit, action, recognizance, or other proceeding, affected by the change made by this act, but the

SECTION

- same are returnable to the next court held in accordance with this act; and all continuances shall be from the last term thereof to the term appointed by this act.
3. All laws in conflict with this act repealed; and this act in full force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the circuit courts in, and for the third judicial circuit of the State of Arkansas, shall hereafter be holden in the respective counties in said circuit, at the following times, to wit: in the county of Independence, on the first Mondays in March and September, in each year; in the county of Van Buren, on the first Mondays after the fourth Mondays in March and September, in each year; in the county of Searcy, on the second Mondays after the fourth Mondays in March and September, in each year; in the county of Marion, on the third Mondays after the fourth Mondays in March and September, in each year; in the county of Izard, on the fourth Mondays after the fourth Mondays in March and September, in each year; in the county of Fulton, on the first Mondays in May and November, in each year; in the county of Lawrence, on the second Mondays in May and November, in each year; in the county of Randolph, on the fourth Mondays in May and November, in each year; in the county of Jackson, on the second Mondays after the fourth Mondays in May and November, in each year; in the county of White, on the fourth Mondays after the fourth Mondays in May and November, in each year.

SEC. 2. *Be it further enacted,* That no suit, action, recognizances, bail bonds, appeal, or other proceeding, pending in any circuit court of said counties of Van Buren, Searcy, Marion, Izard, Fulton, Lawrence, Randolph, Jackson or White, or made returnable to the next term thereof, respectively, as now fixed by law, shall be avoided, impaired, or in any manner affected by the change made in this act in relation to the commencement of said terms, but that all such process, suits, actions, recognizances, bail bonds, appeals, and other proceedings, shall stand and be made returnable to the court next to be holden according to this act, and shall have full effect accordingly; and all continuances in either of said courts shall be from the last term thereof, to the term appointed by this act, and no suit or other proceedings pending in, or returnable to either of said courts, shall be discontinued, or in any manner affected by any change hereby made.

SEC. 3. *Be it further enacted,* That all laws in conflict with this

act, be and the same are hereby repealed; and that this act take effect and be in full force from and after its passage.

Approved 20th December, 1852.

An act to change the time of holding the County and Probate Courts in the counties of Montgomery, Searcy and Newton.

SECTION

1. County courts of Montgomery and Searcy to be holden on the first Mondays in January, April, July and October, and the Probate courts on the Thursdays following in each year.
2. Probate court of Newton county to be holden on the first Thursday

SECTION

after the second Monday in February, May, August and November, in each year; all business in either of said courts to be acted upon in like manner as under previous laws; all laws conflicting with this law repealed; this act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county courts in the counties of Montgomery and Searcy, shall hereafter be holden on the first Monday of January, April, July and October; and the probate courts of said counties shall be held on the Thursdays following of the same week, in each year.

SEC. 2. *And be it further enacted*, That the probate court of Newton county, shall be holden on the first Thursday after the second Mondays in February, May, August and November, in each year; and all business now pending in either of said courts, or returnable thereto, shall be recognized and acted upon in the same manner that it would have been under laws in force previous to the passage of this act; and all laws in conflict with this act are hereby repealed; and this act take effect from and after its passage.

Approved 20th December, 1852.

An act to revive portions of the 145th chapter of the Digest of the statutes of Arkansas, under the head of "Schools and School Lands."

SECTION

- 1 Repeals certain laws in relation to the sale of the sixteenth section for less than \$2 so far as the counties of Union, Chicot, Desha, Drew, Sevier, Jefferson, Calhoun and Hempstead are concerned.
2. Revives a part of the 145th ch. of the

SECTION

- Digest of the Statutes in relation to schools and school lands within the counties of Union, Chicot, Desha, Drew, Sevier, Jefferson, Calhoun and Hempstead.
- 3 This act to be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an act, entitled "an act to amend the common

school system in the State of Arkansas," approved the 11th of January, 1851, and an act "to authorize the sale of the sixteenth section for less than two dollars per acre, in certain cases," approved December 13th, 1850, so far as said acts refer, and apply to the counties of Union, Chicot, Desha, Drew, Sevier, Jefferson, Calhoun and Hempstead, in this State, be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That so much of the 145th chapter of the digest of the statutes of Arkansas, under the head of schools and school lands, be, and the same is hereby revived within, and for the counties of Union, Chicot, Desha, Drew, Sevier, Jefferson, Calhoun and Hempstead, in this State.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 24th December, 1852.

An act to incorporate the Van Buren Manufacturing Company.

SECTION

1. Establishes the "Van Buren Manufacturing Company," and by that name empowers the company to sue and be sued, contract and be contracted with, to have, use and alter at pleasure a common seal; to have, hold and dispose of all property that may come into their possession.
3. Limits the capital stock to not less than 25 nor more than \$100,000 to be raised by subscription.
3. Annual meetings of said company to be held at such times and places as the by-laws shall prescribe; a majority of the stockholders necessary to transact business at such meetings, but a smaller number may adjourn from time to time; each share entitled to a vote.
4. Officers to be elected at general meetings; to hold office for one year; to consist of a President, four Directors, Treasurer, &c.; President, Directors and Treasurer to be stockholders; any three or more of these sufficient to transact business.
5. President, Directors and Treasurer a board to regulate and conduct the affairs of said company; to call meetings of stockholders, fill vacancies, and to transact all business

SECTION

- for the general welfare of the company.
7. Stockholders at general meetings to determine maximum amount of capital, which may be increased by sale of shares from time to time; until the amount reaches \$100,000.
8. Capital stock deemed personal property, and liable to the liquidation of the debts of said company; and no part of said stock to be withdrawn until all debts of the company are paid; said company to have a lien on stock of members until all debts due by them are paid.
9. If any subscriber or stockholder shall fail to pay his subscription, or any installment thereof, when required, it shall be lawful for said company to recover the same by action of debt after ten days notice.
10. Directors to make a report to the stockholders in December of each year, setting forth the financial affairs of said company; no dividends declared except from realized profits; an amount of profits exceed-10 per cent. not to remain accumulated over six months.
11. This act in force for twenty years unless sooner repealed, or amended by the legislature.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That a joint stock company for the purpose of manufacturing cotton and wool, may be established at Van Buren, Crawford county, by the name and style of "Van Buren Manufacturing Company;" and by that name and style, sue and be sued, contract and be contracted with, have and use a common seal, and change same at pleasure; and shall have power to purchase, take, possess and enjoy, all such lands, tenements, property, goods, chattles and effects, as may be required for the purpose of said corporation, and the same to grant, bargain, sell, alien, convey, demise, mortgage, charge, encumber and dispose of, at their will and pleasure.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not be less than twenty-five thousand dollars, nor more than one hundred thousand dollars, to be raised by subscription, in shares of one hundred dollars each; for which purpose books of subscription may be opened under the superintendence of John Henry, Alfred Wallace, John Drennen, Ephraim Bishop, Joseph P. Warren and Jesse Turner, or any three or more of them, at such time and places as they may deem expedient; and so soon as the first mentioned sum shall have been subscribed for, the corporation may go into operation.

SEC. 3. *And be it further enacted*, That the general meeting of said company shall be held at least once in every year, at such time and place as shall be perscribed by its by-laws. The presence of a majority of stockholders interested, in person or by proxy, shall be necessary to the transaction of business at such meeting; but a smaller number may adjourn from time to time. In all meetings of said company, the stockholders shall be entitled to a vote for each share, in person or by proxy.

SEC. 4. *And be it further enacted*, That the officers of said company shall be elected at general meetings, and shall hold their offices for one year, and until their successors be appointed. They shall consist of a president, four directors, a treasurer, and such inferior officers and clerks as the company shall deem necessary. The president, directors and treasurer shall be stockholders; the presence of any three or more of them shall be sufficient for the transaction of business at the meetings of the board. In the absence of the president, the directors, or any three of them, may appoint a president *pro tempore*, out of their own number.

SEC. 5. *And be it further enacted*, That the president, directors and treasurer shall constitute a board to regulate the affairs of the company. They shall have power to call special meetings of the stockholders, to supply vacancies among the inferior officers authorized by the company and to do all other acts and things touching the affairs of the company, that they may deem expedient for the interests of the stockholders; *Provided*, That the same be not contrary to the laws of the United States, or of this State.

SEC. 6. *Be it further enacted,* That said company at its general meetings shall have power to make such by-laws and regulations for the government of its affairs as the said company may deem expedient; *Provided,* That the same be not contrary to the laws of the United States or of this State.

SEC. 7. *Be it further enacted,* That the maximum amount of the capital stock of said company shall be determined by the stockholders, at the general meetings; and they may, from time to time, enlarge the capital stock of the company, by selling or causing to be sold, shares therein, at such times, in such manner, and to amount as they may direct, until the capital stock shall reach the amount of one hundred thousand dollars:

SEC. 8. *Be it further enacted,* That the capital stock of said corporation shall be deemed personal estate, and shall be transferable upon the books of said corporation; and no part of said stock shall be withdrawn or refunded to the stockholders until all debts and liabilities of the corporation are fully paid; and said company shall, at all times, have a lien upon all the stock or property of the members invested therein, for all the debts due from them to said company.

SEC. 9. *Be it further enacted,* That if any subscriber or stockholder shall fail to pay the amount of his subscription, or any installment thereof, when the same shall be required, according to the rules of the company, it shall be lawful for the company to recover the amounts due by action of debt, on motion, after ten day's notice in any court of record in this State.

SEC. 10. *Be it further enacted,* That the ninth of December in each year, the directors shall submit to the stockholders of said company a written statement under oath or affirmation of said directors, showing the amount of capital stock paid in, the amount of all existing debts against the corporation, as well as the receipts, assets and expenditures of said corporation; and no dividend shall be declared or paid to the stockholders, except from realized net profits of said corporation; dividends of the net profits of the company, shall be made at such times and manner, as shall be determined by the by-laws; but the profits shall never remain accumulated for more than six months to an amount exceeding ten per cent. of the stock.

SEC. 11. *And be it further enacted,* That this act shall continue in force thirty years, unless sooner altered, amended, or repealed by the legislature of this State.

Approved 24th December, 1852.

An act to define specifically the law governing the management and disposition of Section sixteen, in Township thirteen, north of Range six, west.

SECTION

1. The act for the election of school commissioners. and for the disposition of section 16, T. 13 north, of range six west, approved Dec. 28, 1840, and acts supplementary and amendatory thereto, declared the laws for the control and disposition of said section.

SECTION

2. Said section 16 declared exempt from the provision of an act to amend common school system, approved Jan. 11, 1851, and from all laws of that nature; laws conflicting with the provisions of this act, repealed; this act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the act of the General Assembly of this State, entitled "an act, for the election of school commissioners, and for the disposition of section sixteen, in township thirteen, north of range six west, approved, 28th December, 1840," and the act of the said assembly entitled "a supplementary act, to the act approved, 28th December, 1840," and which supplementary act was approved, December 18th, 1846. and also, the act passed by the same assembly, entitled an "act, supplementary to an act, supplementary to an act entitled an act, for the election of school commissioners, and for the sale and disposition of section sixteen, in township thirteen, north of range six west, and approved, December 20th, 1848," be, and the same are hereby declared to be the laws governing the control, management and disposition of said section sixteen, in township thirteen, north of range six west.

SEC. 2. *Be it further enacted,* That said section sixteen, in township thirteen, north of range six west, be, and the same is hereby declared to be exempted out of the provisions of an act, entitled "an act, to amend the common school system in the State of Arkansas, approved, January 11th, 1851," and out of the provisions of all other general laws of that nature; and that all laws in conflict with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after passage.

Approved 27th December, 1852.

An act to permit Guardians to hire out negroes at private hiring.

SECTION

1. Empowers guardians to hire out slaves, the property of their wards at private hiring.
2. Guardians thus hiring out slaves to make report to probate court of the

SECTION

- number so hired out, to whom and at what price per month, supported by affidavit.
3. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That guardians at law, having the custody and control

of negroes, slaves for life, the property of their wards, shall not be required to hire the same out at public vendue, but may hire the same out at private hiring; observing, in all instances a due regard to the preservation and proper use of the property, and best interest of the ward.

SEC. 2. That all guardians at law hiring out the negro or negroes, slaves for life, the property of their wards, at private hire, as provided for in the preceding section, shall make annual reports thereof to the probate court of the county, granting the letters of guardianship, stating therein the number of negroes hired out, to whom, for what time, and the price per month at which they were hired; which report shall be supported by the following affidavit, to wit:

I, ———, do solemnly swear that the statements made in the foregoing report, are true, to the best of my knowledge and belief; that in discharging the duties incumbent on me as such guardian in hiring the negro, (or negroes) of my wards' estate, I have consulted alone the best interest of my ward, (or wards,) so help me God.

SEC. 3. That this act take effect from and after its passage.

Approved, 29th December, 1852.

An act to provide for a correct publication of the Laws.

SECTION

1. Secretary of State to certify to correctness of printed laws, resolutions and memorials.
2. Does away with the signatures of the President of the Senate, Speaker of the House and Governor to the

SECTION

- printed laws.
3. Public printer to furnish the Secretary with proof sheets, and assist him to compare the same with original.
4. One half inch to be the space between each printed law.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it is hereby made the duty of the Secretary of State to insert his certificate in the pamphlet containing the printed laws, joint resolutions, memorials &c., that the laws thus printed are "correct copies of the original on file in his office."

SEC. 2. *Be it further enacted*, That in printing the laws, the signatures of the Speaker of the House of Representatives, President of the Senate, and Governor shall not be inserted; but simply the date of the approval at the close of each law.

SEC. 3. *Be it further enacted* That the public printer is hereby required to furnish the Secretary of State at his office, with a proof sheet of each form of the laws, in their course of publication, and to assist the Secretary of State in comparing the printed with the original copy.

SEC. 4. *Be it further enacted*, That the blank space between the laws, resolutions, &c., and that between the proceedings of

different days in the printed journals of the General Assembly, shall not exceed one half inch.

Approved 31st December, 1852.

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An act to change, in part, the time of holding the Circuit Courts  
in the sixth Judicial circuit.

SECTION

1. Changes the times of holding the circuit courts in the counties of Ouachita, Columbia, Lafayette, Hempstead and Union.
2. No suit, action, or other proceeding shall be avoided or impaired by the change made by this act, but the same shall be made returnable to

SECTION

- the courts held in accordance with this act, and all continuances shall be from the last term to the terms fixed by this act.
3. All laws conflicting with this act repealed; and this act in force from and after its passage.

SECTION. 1. *Be it enacted by the General Asssembly of the State of Arkansas*, That the circuit courts in and for the sixth judicial circuit of the State of Arkansas, shall hereafter be held at the following times, to-wit; In the connty of Ouachita on the first Mondays after the fourth Mondays in March and September; in the county of Columbia, on the third Mondays after the fourth Mondays in March and September; in the county of Lafayette, on the fifth Mondays after the fourth Mondays in March and September; in the county of Hempstead, on the seventh Mondays after the fourth Mondays in March and September; and in the county of Union, on the tenth Mondays after the fourth Mondays in March and September.

SEC. 2. That no suit, action, recognizance, bail bond, appeal or other proceedings pending in any circuit court, in said sixth judicial circuit, or made returnable to the next term of any circuit court in any of said counties, as fixed by the law now in force, shall not be avoided, impaired or affected by the change made in this act in relation to the commencement of said terms, but that all such process, suits, action, recognizances, bail bonds, appeals, and other proceedings, shall stand and be returnable to the courts to be held according to this act, and shall have full force and effect accordingly; and all continuances in either of said courts in said counties, shall be from the last term to the terms fixed by this act respectively, and that no suit or other proceedings in or returnable to either of said courts shall be discontinued or in any manner affected by any change hereby made.

SEC. 3. That all laws in conflict with this act, be, and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved 31st December, 1852.

**An act to require Internal Improvement Commissioners to loan the moneys belonging to the Internal Improvement Fund.**

**SECTION**

1. Commissioner to loan the fund to citizens of his county, upon application, at 10 per cent. per annum, securing the same by real or personal security, to be approved by county court.
2. Commissioner refusing to loan funds

**SECTION**

- to forfeit 10 per cent. per month; county court shall order him to pay said penalty and place it to the credit of said funds.
3. This act shall be in force from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State Arkansas,* That whenever the internal improvement commissioner of any county, shall have in his hands any moneys belonging to the internal improvement fund of his county, which shall not be required to be expended by the county court, it shall be his duty to loan the same to any citizen of his county applying to borrow it, for a time not to exceed twelve months, and at interest at ten per centum per annum, the borrower executing to such commissioner, by his corporate description, a bond or note therefor, secured by mortgage on real estate, or personal security, for double the value of the sum borrowed; *Provided,* That, before any loan shall be made, the judges of the county court shall pass upon and approve the securities offered.

**SEC. 2.** *Be it further enacted,* That if any internal improvement commissioner shall refuse to loan any part of the internal improvement fund in his hands when applied to by any citizen of his county, and who shall offer to comply with the requisites of the foregoing section, he shall forfeit and pay, as a penalty to said fund, ten per centum per month on the amount so refused to be loaned by him; and the county court shall, when it shall be made satisfactorily to appear that said commissioner has so refused, order him to pay said penalty, and place it to the credit of said fund.

**SEC. 3.** *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved 31st December, 1852.

**An act to amend in part, an act to fix the time of the Circuit Courts in the several Judicial Circuits in this State.**

**SECTION**

1. Circuit court for Saline county to be held on the third Monday in April and October.
2. No suit, action, or other proceeding, pending in said court shall be affected or impaired by the change made in this act, but the same shall

**SECTION**

- be returnable to the court next held according to this act; all continuances shall be from the last term to term appointed by this act.
8. All laws in conflict with this act repealed; this act to take effect from and after its passage.

**SECTION. 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the circuit court in and for the county of Saline, shall hereafter be held on the third Mondays in April and October.

**SEC. 2.** *Be it further enacted,* That no suit, action, recognizance, bail bond, appeal or other proceedings, pending in the said circuit court for the county of Saline as fixed by the laws now in force, shall be avoided, impaired, or affected, by the change made in this act, in relation to the commencement of said term, but that all such processes, suits, actions, recognizances, bail bonds, appeal and other proceedings, shall stand and be returnable to the court next held according to this act, and shall have full effect accordingly, and all continuances in said court, shall be from the last term to the term appointed by this act, respectively, and that no suit, or other proceedings in, or returnable to said court, shall be discontinued, or in any manner affected by the change hereby made.

**SEC. 3.** *Be it further enacted,* That all laws in conflict with this act, are hereby repealed, and that this act take effect from and after its passage.

Approved 31st December, 1852.

### An act to confirm the sale of Section 16, in Township 8 North, of Range 32 West.

#### SECTION

1. Confirms the sale of section 16, T. 8, north of Range 32 west, to Andrew Byrne, and vests the title in fee

#### SECTION

simple in said Byrne.

2. This act in force from and after its passage.

**SECTION. 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the sale of section sixteen, in township eight north, of range thirty-two west, as made by John Rogers, Joseph Bennett and George S. Birnie, commissioners to Andrew Byrne, bishop of Little Rock, by deed, bearing date the fourth day of January, 1848, for the consideration of the sum of five thousand two hundred and fifty dollars, be, and the same is hereby, in all things confirmed, and the title in fee simple to said sixteenth section, shall fully vest in the said Andrew Byrne, bishop of Little Rock.

**SEC. 2.** That this act shall be in force from its passage.

Approved 31st December, 1852.

### An act to increase the salaries of the Judges of the Supreme Court.

#### SECTION.

1. Salary of the judges of the supreme court \$1,800.
2. Treasurer, upon Auditor's warrant, to pay, quarterly, the salaries of the

#### SECTION

judges. out of any money in the treasury not otherwise appropriated

3. This act in force from and after the first day of January, 1853.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the judges of the supreme court shall hereafter,



each be entitled to receive the sum of eighteen hundred dollars per annum as compensation for their services.

SEC. 2. *Be it further enacted*, That the Treasurer be hereby directed, upon warrant drawn by the Auditor, to pay each of the judges of the supreme court out of any moneys in the treasury not otherwise appropriated, the above sum of eighteen hundred dollars, in equal quarterly payments.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after the first day of January, 1853.

Approved 31st December, 1852.

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An act to change in part the time of holding the Courts in the Fourth Judicial Circuit.

SECTION

1. Changes the time of holding the circuit courts in the counties of Crawford, Sebastian, Scott, Franklin and Johnson.
2. Suits process, bonds, or other proceeds, pending in any of the courts

SECTION.

- the time to hold which is changed by this act, made returnable to the time fixed by this act; all laws inconsistent with this act, repealed.
3. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the circuit court in the county of Crawford, in the fourth judicial circuit, in said State, shall be held on the second, third and fourth Mondays of January and July; in the county of Sebastian, on the first, second and third Mondays after the fourth Mondays in January and July; in the county of Scott, on the fourth Mondays after the fourth Mondays in January and July; in the county of Franklin, on the fifth and sixth Mondays after the fourth Mondays in January and July; in the county of Johnson, on the seventh and eighth Mondays after the fourth Mondays in January and July.

SEC. 2. *Be it further enacted*, That all suits, process, bonds, recognizance, and proceedings, of whatsoever name or description, now pending in any of the courts of said circuit, the time of the holding of which, by the provisions of this act are changed, be, and they are hereby made returnable to the terms and times as fixed by the provisions of this act; and that all laws inconsistent with this act are hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after the thirty-first day of May, 1853.

Approved 31st December, 1852.

## An act to increase the salaries of the Circuit Judges.

### SECTION.

1. Salary of circuit Judges increased to \$1,500 per annum.
2. Auditor to draw his warrant on the Treasurer in favor of each of the judges for \$1,500, to be paid out of

### SECTION.

- any money in the treasury not otherwise appropriated.
3. This act in force from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That each of the judges of the several circuit courts in this State shall receive fifteen hundred dollars per annum for their services.

**SEC. 2.** *Be it further enacted,* That the Auditor be directed to draw a warrant on the Treasurer, in equal quarterly installments, for the sum of fifteen hundred dollars, in favor of each of the judges of the several circuit courts within this State, to be paid out of any funds in the treasury not otherwise appropriated.

**SEC. 3.** *Be it further enacted,* That this act shall be in force from and after the first day of January, 1853.

Approved 31st December, 1852.

## An act to incorporate the Batesville and Grand Glaze Rail or Plank Road company.

### SECTION.

1. Certain persons a body corporate by the name and style of the "Batesville and Grand Glaze Rail or Plank Road Company," and by that name may sue and be sued, plead and be impleaded, to have and use a common seal, and to alter the same at pleasure.
2. Said company vested with power to carry into effect the object of the grant; and to have and hold real and personal property.
3. Company to open books for subscription within three months from the passage of this act; \$5 to be paid on each share; 20 days notice in some newspaper to be given of the time and place of opening the books.
4. Capital stock \$100,000; subscriptions to be regulated by the persons designated in sec. 1, who are vested with full power to insure the payment of installments of stock as they become due; provided said regulations are general, and operate on all alike.
5. Capital stock divided into shares;

### SECTION.

- of \$50, and transferable; stockholders entitled to one vote for each share.
6. Said company empowered to construct said road; road not to interfere with any dwelling house, or pass through the yard of any such house, without consent of owner.
7. Company considered organized when \$25,000 are subscribed; stockholders to elect board of directors.
8. Directors chosen every two years; in case of failure to hold election on the day appointed, an election held on any other day, lawful.
9. Directors to appoint a president, secretary and treasurer from their own body, and fix their salaries.
10. Directors to make by-laws and rules for the management of the company and road.
11. Company have power to acquire right of way from owners of land through which said road may pass, by gift or purchase; also from the county courts the use of highways already open, but no highway necessary to be kept open shall be

## SECTION.

obstructed thereby.

12. Route of said road not to exceed 50 feet each side of line; said company or those with whom they may contract, may enter upon and use any lands, timber, stone, earth &c., for the construction and fixtures of said road.
13. The municipal authorities of Batesville and Grand Glaze empowered to grant the use of any street or streets in said towns to said company, in such manner as the public interest may permit.
14. In case said company cannot agree with the owner or owners of any land through which said road may pass, clerk of circuit court to issue writ to sheriff who shall summons six men to be on said land on a day appointed, and after notice given to said owner or owners five days previously to said day if they be in his county, if not, then by publishing notice, four successive weeks, in a newspaper nearest said land, cause them to make inquest of the damages.
- 15 If any juror fail to attend, sheriff

## SECTION.

may supply his place from among the by-standers; if jury fail to render verdict, a new jury shall be summoned until a verdict be had; verdict certified by sheriff, to be returned to said clerk, and kept on record; and such verdict vests in said company the right to use such land upon the payment of the damages.

16. Damages to be paid in the treasury, in case of absence of owner or owners; treasurer to pay out same on demand; refusing, to be sued on bond. Inquest to be held within 10 days after issue of writ except in case of absence; then 30 days allowed for every additional jury.
17. Jurors and witnesses fined \$10 for refusing to attend.
18. When 10 miles of the road completed, company may receive toll by giving 10 days prior notice; General Assembly reserves the right to change the rates of toll.
19. After 99 years, all the rights herein granted shall revert to the State.
20. This act in force from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That James H. Patterson, James F. Saffold, Henry Neill, John A. Stater, Allen D. Ramsey, John Foster, E. K. McGuire, Wm. C. Bevens, Franklin W. Desha, Edwin B. Califf, Jesse C. Gainer, John C. Claiborne, D. J. Chapman, R. W. Watson, Joseph H. Egnor, Edwin T. Bun, George Case, Morgan Magness, Hardin Herlsey, H. W. Bandy, W. L. McGuire and A. P. Aidlotte, and their associates and successors, are hereby declared and constituted a body corporate, by the name and style of the "Batesville and Grand Glaze Rail or Plank Road Company," and by that name, to sue and be sued, plead and be impleaded, answer and be answered, in any court of this State; to make, use, and have a common seal, and the same to break, alter and renew at pleasure.

**SEC. 2.** That said company are hereby vested with all the powers, privileges and immunities, which are, or may be necessary to carry into effect the purposes and objects of the grant, hereinafter set forth; and may have and hold, real and personal property, to all extents necessary and proper for the same.

**SEC. 3.** That it shall be the duty of said company, or of a majority of the same, to open books free for all persons to subscribe for the stock of said company, within three months after the passage of this act, and to require the payment of five dollars in cash, for every share such subscribers may take, and also to give notice of the time and place of receiving subscriptions, in one or more newspapers in the State, at least twenty days previous to the opening

of the books, for the subscription of stock to said rail or plank road.

SEC. 4. That the capital stock of said company shall be one hundred thousand dollars, and subscriptions to the same may be regulated by the persons named, in the first section of this act, or a majority of them, as to the time, place and manner of taking said subscriptions, with full power to regulate the whole matter and declare forfeitures, under certain rules, when stockholders fail to comply, and to do all things necessary to insure the punctual payment of the several installments of stock required, as they become due; *Provided*, That any regulation thus adopted, shall be general and operate on all alike.

SEC. 5. That the capital stock of said company, shall be divided into shares of fifty dollars each, to be assignable and transferable, according to such regulations as said corporation may adopt; and the number of votes to which each stockholder may be entitled on all questions concerning the interest of the company, shall be equal to the number of shares held by him, each share being entitled to one vote.

SEC. 6. That it shall be lawful for, and said company shall have power and authority, and are hereby authorized to construct a rail or plank road from the town of Batesville, on the north bank of White river, in the county of Independence, to Grand Glaze in Jackson county, upon the most direct and practicable route; *Provided*, That said road shall not be so located as to interfere with any dwelling house, or pass through the yard of any dwelling house, without the consent of the owner of the same.

SEC. 7. That whenever twenty-five thousand dollars of the stock of said company shall be subscribed, the said company shall be considered as organized, and the said stockholders may proceed to elect a board of directors, who shall be owners of ten shares of stock each, to manage the business of said corporation.

SEC. 8. That said directors shall be chosen every two years, at the time and place that may be selected by said stockholders; and should said election, at any time, not be holden on the day appointed, it shall be lawful to hold said election on any other day, which election shall be valid to all intents and purposes, and the directors, for the time being, shall serve till their successors are elected and qualified.

SEC. 9. That said directors shall appoint from their own body, a president, a secretary and treasurer, and also fix their salaries, and shall also have power to appoint all such officers and agents, servants and laborers, as they may deem necessary, for the construction of said proposed road, and the transaction of the business of said corporation.

SEC. 10. That the said directors shall have power, to make all by-laws, rules and ordinances, as to them may appear necessary and needful, touching the management of the road to be constructed, and the effects of the corporation.

**SEC. 11.** That the company shall have power and authority to acquire by purchase, gifts or otherwise, a right of way from the owner or owners of lands through which the said road may be designated to pass, of sufficient width for the location, construction and accommodation of said road, and also to receive from the county court, of the county or counties through which said road may run, the use of any highway or highways, already dedicated to the public use; and the said county courts are hereby authorized and empowered to grant the use of said highways to the said company, when the said court shall deem it expedient for the location and construction of the said rail or plank road, and the construction of such houses and fixtures as said company may think proper and necessary; *Provided however,* That no public road which said county courts deem it expedient to be kept open, shall be obstructed thereby.

**SEC. 12.** The route for said rail or plank road to be determined by said company, not exceeding fifty feet on each side of the length of the line thereof, and they may cause to be made, or contract with others for making said rail or plank road, as said company may prefer, or any part thereof, and they, their agents, or those with whom they may contract for making any part of the same, shall have right of way upon, or may appropriate to its sole use and control, for the purpose herein contemplated, land of the width aforesaid, through its entire length; may enter upon, and take possession of, and use all and singular, any lands, streams, earth, timber, gravel, stone, or other materials, of every kind for the location of depots, toll houses, stopping stages, for the purpose of constructing bridges, dams, excavations, engine houses, offices, shops, and other buildings necessary for the construction, completion, maintenance, preservation and complete operation of said road.

**SEC. 13.** That the said corporation shall also have power to receive from the municipal authorities of the towns of Batesville and Grand Glaze, the use of any street or streets, for the location and construction of said road, depots, toll houses, and other necessary buildings, and the municipal authorities are hereby empowered to grant to said company the right over, and the use of any street, or streets in said towns, in such manner, and in such direction as the public interest and convenience may permit.

**SEC. 14.** That if said company cannot agree with the owner or owners of the land, through which the said road shall pass, or with the executors, administrators, guardians and trustees, it shall and may be lawful for the clerk of the circuit court of the county, or counties, in which said land lies, on the application of said company, or its agents, and he is hereby required to issue a writ of *ad quod damnum*, commanding the sheriff, without delay, to cause a jury of six good and lawful men, to be on such land upon a day, to be by said sheriff fixed upon and appointed, and whereof it shall be his duty to give notice to the owner or owners, executors, administrators, guardians, or trustees, at least five days before such day, if

they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by the sheriff posted up at the dwelling house, if such there be, or a public and conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least four weeks, by weekly insertions, prior to said day, and cause said jury, after being duly sworn by said sheriff, or by a justice of the peace, to make true inquest of the damages that will be sustained by such owner or owners of the estate, by reason of making such road through such land.

SEC. 15. That if any such person shall fail to appear, or by reason of challenge or otherwise, shall fail to set up at such inquest, the sheriff shall fill the said jury from the by-standers or other good and lawful men; and if they fail to render a verdict, the said sheriff shall again, on the same or subsequent day, empanel a new jury or jurors, until a verdict be had; such verdict and inquest regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which such land may be, and there remain among the records, and such verdict shall vest in said company the right to use and occupy such land for the purpose of said plank or rail road, on the payment or tender of payment, of the damages thereon assessed against said company.

SEC. 16. That, in case of persons being absent, or unknown as aforesaid, the placing the amount of such damages to the credit of the owner or owners, in the hands of the county treasurer of the county in which said land lies, shall be deemed and taken as payment, and said treasurer shall make due payment of the same on demand, and in case of failure so to do, when required, shall be liable to a suit on his bond, as in other cases of failure to discharge the duties of his office; and it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence as aforesaid, in which case, thirty days shall be allowed him for every additional jury which he may summon under said writ.

SEC. 17. That every juror and witness summoned, shall be fined not less than ten dollars for non attendance.

SEC. 18. That the said company is vested with, and shall have the right to demand and receive such toll as may be fixed by said company, for the transit of property, or of persons upon said road, when ten miles shall have been completed; which toll rates shall be established and published on said road, for the information of the public, ten days prior to the right of said company, to demand and receive the rates of toll by them fixed and established; *Provided*, That the General Assembly hereby reserves the right to hereafter change or modify the tolls fixed and established by said company.

SEC. 19. That from and after the expiration of ninety-nine years from the granting of this charter, all the privileges, immunities and franchises, herein granted, shall cease, and revert back to the State.



SEC. 20. That this act take effect and be in force from and after its passage.

Approved 31st December, 1852.

## An act to appreciate the value of Swamp and Overflowed Lands.

### SECTION.

1. Plank or stone road company to apply for permission to drain lands; commissioners to lay off, and designate grade and terminus of route, beginning at the point in application; corporation entitled to all the

### SECTION.

benefits allowed by law for draining such lands, and subject to like penalties; company to cover such levee &c. with stone or plank, and clear out obstructions 18 feet wide.

2. Act in force from and after passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall and may be lawful for any plank or stone road company, hereafter incorporated in pursuance of law, to file with swamp land commissioners an application to levee and drain the said lands, setting forth therein the point of beginning, the route, direction, and terminus of such plank or stone road; and when it shall appear to the satisfaction of said commissioners, or, in their opinion, the same will reclaim or appreciate in value the lands thereof, to proceed forthwith to lay off the same, beginning at the point designated in said application, fixing the direction, the grade and terminus of the same; and in levying and draining the said route, such corporation shall be entitled to receive all the benefits, privileges and immunities, by law conferred upon contractors for levying and draining said lands, and shall be subject to like pains, penalties, limitations and restrictions; *Provided always*, That said corporation shall, within two years from and after the passage of this act, cover such levee, or embankment, or drain, with stone or plank, ten feet in width; *And provided further*, That such corporations shall clear out of such way all obstructions, to the width of eighteen feet, so as to afford a safe and convenient passage thereon.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 1st January, 1853.

## An act to defray the expenses of the inauguration of the Governor.

### SECTION.

1. \$35 appropriated to defray expenses of Governor's inauguration; Aud-

### SECTION.

itor to draw warrant on Treasurer for same.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of thirty-five dollars (\$35) be, and the same is hereby appropriated out of any money in the treasury not



otherwise appropriated, to defray the expenses of the inauguration of the Governor; and that the Auditor shall draw his warrant upon the Treasurer for the same on the requisition of the committee of arrangements.

Approved 1st January, 1853.

## An act for the relief of the President, Directors and Stockholders of the Mississippi, Ouachita and Red River Railroad Company.

### SECTION.

1. Mississippi Valley Rail Road Company allowed two years to com-

### SECTION.

mence work, after the filing of their charter.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the president, directors and stockholders of the Mississippi, Ouachita and Red river railroad company and their successors, be, and they are, hereby allowed two years, from and after the filing of their charter, or intention to build said railroad, to commence work on the same, any thing to the contrary in an act approved January 8th, A. D. 1851, notwithstanding.

Approved 1st January, 1853.

## An act to amend the Revenue laws of this State.

### SECTION

1. Collectors to exhibit accounts and vouchers to Auditor on or before 1st of May.
- 2 Failing to pay amount due into treasury, and producing receipt therefor, within 15 days after settlement required, shall forfeit commission and 20 per cent., and also 5 per cent. per month until paid.
3. Assessor to file list in office of county clerk, on or before the 15th of April, and give notice thereof in each township.
4. Any person aggrieved by the assessment may appeal to the county court at the next term after the assessment is filed.
5. If no regular term, then a special term on second Monday after 15th of April.
- 6 Sheriff or assessor failing or refusing to return list as prescribed by law, to forfeit his office in addition to other penalties.
7. If any clerk of any county court shall fail to make out and deliver

### SECTION.

- to the collector his tax book, as required by law, he shall forfeit his office.
8. Sale of property of non-residents to be at court house door, on the second Monday of March, in each year,
9. Collector to file in clerk's office a list of land or town lots, advertised for sale for taxes, when owned by citizens of his county, in manner as prescribed by law for non-residents.
10. Clerk of county court to attend sales of land for taxes, and keep a correct account of lands sold, to whom sold, and how much sold; lands unsold to be entered as sold to the State, and certify to the Auditor a copy of such record.
11. Collector to collect 25 cents from the purchaser or owners on each tract of land or town lot, as the clerk's fee for certifying and recording said list.
12. Copy of delinquent list to be set up by collector at court house door

## SECTION

before second Monday in March, in each year.

13. If no regular term, then a special term of county court on the third Monday of March, to act on collectors' delinquent list.

14. County court to determine how soon after 25th of May county

## SECTION

revenue to be paid into treasury.

15. Assessment to commence on or after the 1st of January, and completed on or before the 15th of April, and first collection under this law, taxes for 1853, to be paid into treasury 1st May, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the collectors of revenue, and others bound by law to pay money directly into the treasury, shall exhibit their accounts and vouchers to the Auditor of public accounts, on or before the first day of May, in each year, to be audited, adjusted and settled; and the Auditor shall proceed, without any unnecessary delay, to audit, settle and adjust the same.

SEC. 2. *Be it further enacted,* That if any collector of revenue, or other person mentioned in the preceding section, shall fail to pay the amount so found due, into the State treasury, and produce the Treasurer's receipt to the Auditor therefor, within fifteen days after the settlement required as aforesaid, the delinquent shall forfeit his commissions allowed him by law, and the sum of twenty per centum on the amount due, and also interest at the rate of five per centum per month, on the amount wrongfully withheld, to be computed from the time the same ought to have been paid until actual payment, and the Auditor shall charge such delinquent accordingly; and the amount of principal and forfeiture may be recovered as now provided by law.

SEC. 3. *Be it further enacted,* That each assessor shall, on or before the fifteenth day of April, in each year, file in the office of the clerk of the county court of his county, the original assessment list made by him, together with a certified copy thereof; and he shall immediately thereafter give notice, by at least one advertisement in each township, that he has filed his assessment list, and that the same will be laid before the next county court.

SEC. 4. *Be it further enacted,* That any person who may think himself aggrieved by the assessment of his property, may appeal to the county court, at the next term after the assessment is filed, and have the assessment corrected, if it shall be found to be incorrect; and said appeal shall be taken and determined in the manner now prescribed by sections 29 and 30 of chapter 139 of English's Digest of the statutes of Arkansas.

SEC. 5. *Be it further enacted,* That if there be no regular term, there shall be a special term of the county court of any county, on the second Monday after the fifteenth day of April, in each year, for the purpose of adjusting the assessment list.

SEC. 6. *Be it further enacted,* That if any sheriff or assessor shall fail or refuse to return his assessment list, at the time and in the manner prescribed by law, he shall, in addition to other penal-

ties prescribed by law, forfeit his office, which forfeiture shall be declared as follows :

On the failure or refusal occurring, the clerk of the county court shall immediately notify the presiding judge of the county court thereof, who shall call together the associate justices, and hold a special term of the county court, to try such delinquent, within ten days from such delinquency, and on a day to be fixed by the presiding judge; and when the presiding judge shall have fixed the day for holding the said court, he shall direct the clerk to issue a citation to the delinquent, to appear and show cause why his office shall not be forfeited, which shall be served and returned by the coroner, as other writs. On the day fixed for holding the court, if the citation has been served, the court shall proceed to hear and determine the case; and if it shall appear that the defendant has failed or refused to return his assessment list, as aforesaid, the court shall enter judgment of forfeiture against him, and the clerk of the court shall immediately forward a certified copy of the judgment of the court to the Governor, who shall proceed to fill such office so vacated, in the mode now prescribed by law.

SEC. 7. *Be it further enacted* That if any clerk of any county court shall fail to make out and deliver to the collector of his county, the tax book, as required by sections 35 and 36 of chapter 139 of English's Digest, he shall forfeit his office, as in the latter section declared, which forfeiture shall be declared as follows :

On the happening of such failure, the collector shall immediately notify the presiding judge of the county court, who shall call together the associate justices, and hold a special term of the county court, to try such delinquent clerk, within ten days from such delinquency, and on a day to be fixed by the presiding judge; and when the presiding judge shall have fixed the day for holding the said court, he shall issue a citation to the delinquent, to appear and show cause why his office shall not be forfeited, which shall be served and returned by the sheriff or coroner, as other writs. On the day fixed for holding the court, if the citation has been served, the court shall proceed to hear and determine the case; and if it shall appear that the defendant has failed or refused to furnish the collector with the tax book, as required by law, the court shall enter judgment of forfeiture against him, and shall certify the judgment of forfeiture to the Governor, who shall cause the office so vacated to be filled according to existing laws; and in the mean time, the court shall appoint a competent person to act as clerk *pro tem.* until the office is regularly filled.

SEC. 8. *Be it further enacted*, That sales of real estate, or personal property, belonging to residents or non-residents, for taxes, shall be at the court house door of each county, on the second Monday of March, in each year, and to continue until the sales are completed, from day to day. The notice, sales, forfeitures, penal-

ties, and all other things, except the time of sale, to be governed by existing laws.

SEC. 9. *Be it further enacted*, That it shall be the duty of each collector, immediately after advertising any lands or town lots, owned by and assessed to residents of his county, for sale for taxes, to file in the office of the clerk of the county court, a copy of such list and advertisement; and such clerk shall cause the same to be recorded in his office, and certify the same in the manner prescribed by law for non-residents.

SEC. 10. *Be it further enacted*, That the clerk of the county court, or his deputy, shall attend all sales of lands for taxes, and shall make a record thereof, in a book to be kept for that purpose, therein describing the several tracts of land and town lots, as they are described in the list, stating in separate columns, the State and county tax, and costs, and how much of each tract or lot was sold, and to whom sold; and such tracts or lots as shall remain unsold, for want of bidders, shall be entered as sold to the State; and such clerk shall make out and certify to the Auditor of public accounts, a copy of such record, before the time when the collector is required to pay into the treasury the State tax for each year.

SEC. 11. *Be it further enacted*, That it shall be the duty of the collector, after filing a list of residents' or non-residents' lands, or town lots, in the clerk's office, to charge and collect the sum of twenty-five cents for each tract of land or town lot, from the purchasers, or owners, whether the same be sold, or taxes paid before sale, as the clerk's fee for recording and certifying said lists; and said sum shall be considered as a part of the expenses incidental to the collection of the taxes on such lands or town lots.

SEC. 12. *Be it further enacted*, That copies of delinquent lists shall be set up by collectors on or before the second Monday of March, in each year, at the court house door of each county; and such delinquent list shall be adjusted and disposed of by the county court, as now prescribed by law.

SEC. 13. *Be it further enacted*, That if there be no regular term of the county court of any county, there shall be a special term on the third Monday of March, in each year, for the purpose of acting on the collector's delinquent list; and such action shall be governed by existing laws.

SEC. 14. *Be it further enacted*, That the county revenue, due each county, shall be paid to the county treasurer by the collectors as soon after the twenty-fifth day of May, in each year, as the county court may determine such settlement to be made, in all things as to time, according to existing laws.

SEC. 15. *Be it further enacted*, That the first assessment to be taken under this act, shall be commenced on or after the first day of January, and end on or before the fifteenth day April, 1853; and the first collection made under this law, shall be taxes of the

year 1853, which shall be payable into the treasury on the first of May, 1854.

Approved January 1, 1853.

An act to grant a charter to Messrs. Hanger and Howell, for the purpose of building a toll bridge across Mill Creek in Pope county, Arkansas.

#### SECTION

1. Grants to Hanger & Howell a charter to build a toll bridge across Mill creek, in Pope county; provided, that said bridge does not obstruct the usual crossing place.
2. Bridge to be erected within one year from the passage of this act.
3. Fixes the rate of toll for crossing on said bridge.

#### SECTION

4. Bridge to be kept in good order and repair by said firm under penalties inflicted on delinquent ferry keepers.
5. Said Hanger & Howell have the exclusive right of building said bridge, and receiving the benefits thereof for 20 years; this act in force from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That Peter Hanger, of the city of Little Rock and State of Arkansas, and Seth J. Howell, of the town of Pittsburgh, in the county of Johnson, in the State aforesaid, under the name, style and firm of Hanger and Howell, be, and they are hereby granted a charter for building a toll bridge across Mill creek in the county of Pope, and State aforesaid, at or near the place where the stage road leading from Little Rock to Van Buren crosses said creek; *Provided,* That said bridge be erected at a sufficient distance from the place where the said road now crosses, that the usual crossing place shall never in any manner be obstructed by said bridge.

**SEC. 2.** *Be it further enacted,* That the said Hanger and Howell shall erect said bridge, or cause the same to be done within one year from and after the passage of this act.

**SEC. 3.** *Be it further enacted,* That it shall and may be lawful for the said firm of Hanger and Howell, their heirs or assigns, to charge the following rates of toll: footman 5 cents; man and horse 10 cents; one horse carriage 25 cents; two horse carriage or wagon 50 cents; four horse carriage or wagon 75 cents; 6 horse wagon one dollar, stock, horses and cattle 5 cents per head; hogs and sheep 3 cents per head, &c.

**SEC. 4.** *Be it further enacted,* That the said Hanger and Howell, their heirs or assigns shall keep the said bridge in good order and repair, or pay the penalties now inflicted on persons delinquent in cases of keeping ferries, to be collected as provided by law.

**SEC. 5.** *Be it further enacted,* That the said Hanger and Howell shall have the exclusive right of building said bridge, and receiving the benefits and profits arising therefrom, for the term of twenty

years; and that this act take effect and be in force from and after its passage.

Approved 1st January, 1853.

An act to authorise the County Courts of Carroll, Prairie and Conway to procure Field Notes and Maps of the lands in their counties respectively.

**SECTION**

1. County courts of Carroll, Prairie and Conway counties authorized to procure from the surveyor general, field notes and township maps of their respective counties to be lodged with the county court clerks, who shall give certified copies of the

**SECTION**

- same, upon application, and the payment of 50 cents for each copy.
2. County courts to make appropriations for carrying the act into effect.
3. This act in force from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the county courts of Carroll, Prairie, and Conway, be, and they are hereby authorized to ascertain at what price the field notes of survey of the lands in their respective counties, with township maps thereof can be obtained, and after the said courts shall have obtained a knowledge of the amount of expenditure necessary to procure said field notes and township maps they shall post the price up in advertisements at the court house door, requesting all the justices of the county to attend at the next county court thereafter, and at the county court next ensuing such advertisement, if a majority of the justices shall vote in favor of paying the ascertained price, then the county court may proceed to procure the same from the office of the surveyor general, and such field notes and maps so procured and certified by the surveyor general shall be lodged in the office of the clerk of the county court, who shall be authorized to give certified copies thereof, and for such services shall be authorized to receive fifty cents for each copy so certified to be paid by such person or persons wanting the same,

**SEC. 2.** That the said county courts or either of them is hereby authorized to make the necessary appropriation out of any moneys in the county treasury not otherwise appropriated, for conveying this act into effect.

**SEC. 3.** That this act take effect and be in force from and after its passage.

Approved 3d January, 1853.



An act to amend section 128, chapter 95 of the Digest of the Statutes of Arkansas.

## SECTION

1. After the passage of this act execution upon judgment rendered by justices of the peace may be stayed provided, said stay shall be six

## SECTION

months.

2. All laws contrary to the provisions of the 1st section of this act repealed.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That from and after the passage of this act, the execution upon a judgment rendered by a justice of the peace, for any sum under the jurisdiction of justices of the peace, may be stayed in manner and form as now provided by law; *Provided,* That the stay upon all sums under said jurisdiction shall be six months.

**SEC. 2.** *Be it further enacted,* That all laws now in force, contrary to the provisions of the first section of this act, be, and the same are hereby repealed.

Approved 3d January, 1853.

An act to divide the State of Arkansas into two Congressional districts.

## SECTION

1. State divided into two congressional districts, agreeably to act of Congress of 1851.
2. Designates the counties which shall compose the first district, and which shall elect one representative to Congress.
3. Designates the counties which shall compose the second district, and which shall elect one representa-

## SECTION

tive to Congress.

4. On the first Monday in August in 1853, and every two years thereafter in each township of the several counties of the congressional districts in this state, and elections shall be holden for representatives to Congress, to be conducted as the law for holding general elections in this state prescribes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That until the next apportionment of Representatives in the Congress of the United States; the State of Arkansas shall be divided into two congressional districts, agreeable to the provisions of the act of Congress passed during the session of 1851.

**SEC. 2.** *Be it further enacted,* That the first district shall be composed of the following counties, to wit: Benton, Conway, Crittenden, Crawford, Carroll, Fulton, Franklin, Green, Independence, Izard, Johnson, Jackson, Lawrence, Madison, Marion, Mississippi, Newton, White, Poinsett, Pope, Randolph, Searcy, St. Francis, Phillips, Van Buren and Washington, and shall elect one representative to Congress.

**SEC. 3.** *Be it further enacted,* That the second district shall be composed of the counties of Arkansas, Ashley Bradley, Chicot,



Clarke, Desha, Dallas, Drew, Hempstead, Hot Spring, Jefferson, Lafayette, Montgomery, Ouachita, Pike, Polk, Pulaski, Monroe, Prairie, Saline, Sevier, Union, Sebastian, Scott, Yell, Perry, and Calhoun, and shall elect one Representative to the Congress of the United States.

SEC. 4. *Be it further enacted*, That on the first Monday in August eighteen hundred and fifty-three and every two years thereafter there shall be an election held in each township of the several counties in each of the congressional districts of this State as established by this act, for the election of representatives to the Congress of the United States, which election shall be opened, held and in all respects conducted, as the law provides for holding and conducting general elections in this State.

Approved 3d January, 1853.

An act providing for the sale of fractional section sixteen, in township fifteen south of range one east, in the county of Chicot.

SECTION

1. County court of Chicot to appoint commissioners, to make sale of fractional section 15, south of range one east; commissioner to enter into bond for the faithful discharge of the duties required of him; and so soon as sale is made, to pay over

SECTION.

- all moneys or notes by him received on such sales.
2. Proceeds of such sale to be applied to the use of common schools in said county; this act to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall, and may be lawful for the county court of the county of Chicot, by an order, at length, spread upon the record of the county court of said county, appointing a special commissioner for that purpose, to make sale of the fractional section of land in township fifteen south, of range one east, at such time and upon such terms as said court shall deem most expedient, setting forth, in their order the time, place and terms of sale, and the publication, or required public notice thereof; and said commissioner, before entering on the duties of his office, shall enter into bond in such sum and with such security as may be approved by the county court, conditioned that he will faithfully discharge the duties required of him by the order of the county court of the county of Chicot; and so soon as said sale is made, then to pay or turn over all moneys or notes which may come to his hands as the proceeds of the sale of said fractional section sixteen.

SEC. 2. *Be it further enacted*, That the proceeds or money arising from said sale of said fractional section, shall be applied to the use of common schools in said county, and in all other respects

to be governed by existing laws ; and that this act take effect from and after its passage.

Approved 3d January, 1853.

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An act to appropriate two hundred dollars to furnish the Executive office.

SECTION

1. \$200 appropriated to furnish executive office.
2. Secretary of State to superintend the furnishing of executive office, and

SECTION

Auditor to draw his warrant for the expenses ; provided they do not exceed the sum of \$200.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of two hundred dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of furnishing the executive office.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Secretary of State to superintend the furnishing of the executive office, and the Auditor of public accounts shall be authorized to draw his warrant on the Treasurer for the amount stated in the account of the Secretary of state for such necessary expense as may be incurred in furnishing said executive office; *Provided*, said account shall not exceed the sum of two hundred dollars, by this act appropriated.

Approved 4th January, 1853.

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An act supplemental to an act entitled "An act to divide the State of Arkansas into two Congressional Districts.

SECTION

1. Attaches the county Columbia to second Congressional district.
2. An election for representatives to the thirty-third Congress to be held on the first Monday in August, 1853, in each township of the several counties composing the two Congressional districts in this State.
3. On the first Monday in August, 1854,

SECTION

- and every two years thereafter an election shall be held in each township of the several counties of the two congressional districts, for an election of representatives to the Congress of the United States.
4. All laws in conflict with the provisions of this act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county of Columbia, be and the same is hereby attached to the second congressional district in this State.

SEC. 2. *Be it further enacted*, That on the first Monday in Au-

gust, eighteen hundred and fifty-three, an election shall be held in each township of the several counties in the two congressional districts in this state, for the election of representatives to the thirty-third Congress of the United States, which elections shall be opened, held and in all respects conducted as the law provides for holding and conducting general elections in this State.

**SEC. 3.** *Be it further enacted,* That on the first Monday in August, eighteen hundred and fifty-four, and every two years thereafter, there shall be an election held in each township of the several counties, in the two congressional districts of this state, for the election of representatives to the Congress of the United States after the said thirty-third Congress, and that such election shall be opened, held, and in all respects conducted as the laws provides for holding and conducting general elections in this state.

**SEC. 4.** *Be it further enacted,* That all laws in conflict with the provisions of this law, be, and the same are repealed.

Approved 4th January, 1853.

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An act to amend an act entitled An act to incorporate the Memphis and St. Francis Plank Road Company, approved January 10th 1851; and for other purposes.

**SECTION.**

1. Empowers company to proceed with and complete said road.
2. Authorizes said company to set up a gate at commencement of said road; and one for each successive five miles, when the road is finished, and establishes the rates of toll, when said road is received by commissioners appointed by the county courts of Crittenden and St. Francis; Commissioners pay \$2 per day. County courts of the counties named, when notified by company that five miles of said road are completed, to issue duplicate certificates, one to President of said company and one to Secretary of State.
3. Road to be finished within five years after passage of this act.
4. After five miles are finished, company to proceed to open and make said road, commencing at Black Fish or St. Francis, or both places, and when five miles are finished and

**SECTION**

- received by said commissioners, to put up gate for each five successive miles; and first tolls collected, except upon road already finished, shall be upon space between Black Fish and St Francis; provided said company shall obtain certificate of said commissioner, before they charge and receive toll, and that they do not reduce width of present military road.
5. If said company fail to comply with provisions of this act; such failure to effect forfeiture of incorporation.
6. Tolls not to be exacted twice for any five miles.
7. Before this act take effect President of said company to file in office of Secretary of State a declaration adopting the same.
8. All laws in conflict with this act repealed; and this act to take effect from the filing of the certificate, as provided in sec. 7.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the said plank road company shall have power and they are hereby authorized to proceed with the erection, and com-

pletion of said road, by finishing one track and grading the same for eighteen feet wide, and covering the same to the width of nine feet with plank at least two and one half inches thick, and not more than one and one-half inches apart.

SEC. 2. *Be it further enacted*, That said company shall and they are hereby authorized, to put up one gate at the commencement of said road; and for each successive five miles, when said road is finished, and receive thereat the following rates of toll, to wit: for each four wheeled wagon drawn by six horses, mules or oxen thirty cents, by five horses, mules or oxen twenty-five cents, if by four horses, mules or oxen twenty cents, if by three horses, mules or oxen fifteen cents, if by two horses, mules or oxen twelve and a half cents, if by one horse, mule or ox ten cents; for each cart or other vehicle of burthen with two wheels drawn by one horse, mule or ox ten cents, for each four wheel pleasure carriage, drawn by four horses or mules, forty cents, if by two horses or mules thirty cents, if by one horse or mule twenty-five cents; for each person on horse back ten cents, for each loose horse or mule five cents, for each head of cattle two cents, for each head of sheep or hogs one cent, for each footman five cents. When the said road shall have been received by three commissioners, or a majority of them, to be appointed as follows, to wit: two by the county court of Crittenden county, and one by the county court of St. Francis county, who shall receive from said company for each day they shall necessarily be engaged in examining said road, the sum of two dollars, and it is hereby made the duty of the aforementioned county courts to appoint commissioners, for the purpose hereinbefore provided for, when they, the said county courts, or the presiding judges thereof, shall be notified by the President of said company that five miles of said road have been completed, and that if said commissioners, on examination of said road shall find the same to the distance of five miles to have been finished, as herein provided for, they shall execute duplicate certificates, and deliver one to the President of said company, and transmit the other to the Secretary of state of the state of Arkansas.

SEC. 3. *Be it further enacted*, That said company shall finish said road as herein provided for, within five years from and after the passage of this act.

SEC. 4. *Be it further enacted*, That after five or ten miles are finished and shall have been received by the said commissioners, the said company shall proceed to open and make said road and finish the same, as herein provided, beginning at Black Fish lake, or St. Francis river, or at both places, at the option of said company; if at Black Fish lake then to complete the same to the St. Francis river, and when they shall have finished the same for five miles and the same shall have been received by said commissioners herein provided for, then said company shall have the power to put one gate, and for each successive miles so received one other gate,

and receive the tolls herein provided for, and the first work hereafter to be done, and the first tolls hereafter to be collected, except for the road already constructed, shall be upon the intermediate space between Black Fish lake and St. Francis river; *Provided*, That nothing in this act shall be so construed as to allow said company to collect tolls on any portion of said road, as well that part already constructed as that to be hereafter constructed, until they, the said company shall have obtained the certificate of the commissioners herein provided for, and a copy of said certificate shall be put up at each gate; *And provided further*, That nothing herein contained shall authorize said company to reduce the width of the present military road leading from Memphis to Little Rock.

SEC. 5. *Be it further enacted*, That if the said company shall fail, neglect or refuse to comply with the provisions of this act, and the act to which this is an amendment, that such failure, neglect or refusal shall work a forfeiture of said act of incorporation.

SEC. 6. *Be it further enacted*, That the privilege to erect gates, as herein provided for, shall not be so construed as to allow tolls to be exacted twice for any five miles on said road.

SEC. 7. *Be it further enacted*, That before this act shall take effect the President of said plank road company, as such president, for, and in behalf of the company, shall file in the office of the Secretary of state of the state of Arkansas, a declaration in writing, acquiescing in and adopting the same, and recognizing a liability on the part of said company, faithfully to answer and perform on their part the provisions and stipulations of this act, and the act to which this is a supplement.

SEC. 8. *Be it further enacted*, That all laws in conflict with the provisions of this act be and the same are hereby repealed and that this act take effect from and after the filing of the certificate, as provided for in section 7 of this act.

Approved 4th January, 1853.

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An act to repeal the road law which passed and was approved on the 31st day of December, 1850, and to amend the road law in English's Digest of the statutes of Arkansas.

SECTION

1. County court to appoint road overseers and designate a justice of the peace, at the time prescribed in digest, who shall serve two years in each township.
2. Said justice to apportion to overseers of his township, hands every six months, if he deem it necessary; and may require under oath, from farmers or managers the number of

SECTION.

- hands in their employ,
3. Overseer may appoint one hand to warn others to work, which service shall exempt him from work at that time. Overseer to attend to making said road, but shall receive no compensation therefor.
4. Said hand, so appointed competent to testify to fact of warning other hands to work.

## SECTION.

5. Any hand failing to work after due notification, to be summoned before said justice, and without reasonable excuse, be fined two dollars for each day he so refused to work.
6. Overseer failing to discharge his duty may be summoned before any justice of the peace of his township; summons to be served 10 days before day of trial; to show cause why said judgment shall not be entered against him for such delinquency, and such judgment shall be in any sum not less than \$5, nor more than \$50.
7. Constable failing to discharge duties require of him by this act, to be fined not less than \$3, nor more than \$10, for the use of said road district.
8. Fines to be paid to constable, and by him expended on the road district, for which they were imposed; and take a receipt therefor, to be filed with said justice or constable fail-

## SECTION.

- ing to comply with provisions of this act to be liable as in case of individual collections.
9. Overseer, or hand appointed by him to warn hands, have power to put down all names subject to work in road district; may, by consent of all hands, allot a certain portion of road to certain hands for working.
10. County court failing to district roads at first term of county court after 1st of January 1853, and to appoint overseers and justices to apportion hands; it may be done at subsequent terms, when new districts established, court shall appoint overseer whose service shall expire at the regular term for appointing overseers.
11. Repeals the act of December 31, 1850, and revives all of chap. 140 of Digest not in conflict with this law; all laws in conflict with this act repealed; this act in force from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the county court of each county of this state shall appoint one overseer for each road district, and designate one justice of the peace for each township at the time prescribed in said Digest, who shall serve two years.

**SEC. 2.** *Be it further enacted,* That the justice of the peace shall apportion hands to each overseer of his township every six months, if he deem it necessary, and such justice may require any overseer, or manager of a farm, to give in under oath, the number of their hands subject to work the roads.

**SEC. 3.** *Be it further enacted,* That each overseer may appoint one of his hands to warn the hands to work on the road at such time and place as he may direct, and such hand shall be exempted from working at that time, and the overseers shall attend to working the road, but shall receive no compensation therefor.

**SEC. 4.** *Be it further enacted,* That the hand so appointed by the overseer to warn in the hands, shall give the same notice, and be governed in all respects by existing laws in regard to overseers; and such hand shall be competent to testify to the warning of hands who may be returned as delinquent.

**SEC. 5.** *Be it further enacted,* That on failure of any hand to work the road after having been duly warned, the overseer shall report him as a delinquent to the apportioning justice, and if he does not appear before such justice within ten days and render a reasonable excuse, such justice shall issue a summons against such delinquent, which shall be served by the constable at least five days before the day of trial, and if the delinquent fail to appear and show



cause why he did not work on the road, he shall be fined two dollars for each day he had failed to work, together with the costs of suit.

SEC. 6. *Be it further enacted*, That on the failure of any overseer to discharge his duty in all things pertaining to his road district, it shall be the duty of the constable, or any person aggrieved, to make complaint to any justice of the peace of the township setting forth the grounds of his complaint in writing, and filing the same with the justice, who shall thereupon issue a summons, to be served by the constable of the township at least ten days before the day of trial, summoning such overseer to appear before him and show cause why judgment shall not be entered against him as a delinquent overseer of roads; and on a failure to appear, or to show good cause why he should not be fined, at the time and place appointed, he shall be fined by said justice in any sum not less than five dollars, nor more than fifty dollars for the use of said road district, together with the costs of suit.

SEC. 7. *Be it further enacted*, That, upon information in writing, filed before a justice of the peace, that the constable has failed to perform any of the duties required of him by this act, it shall be the duty of said justice to issue a summons requiring said constable to appear before him and answer the complaint so filed; and in case he shall fail to give a good and sufficient excuse he shall be fined in any sum not less than five dollars nor more than ten dollars; *Provided*, That the summons required in this act shall be served at least five days before the day of trial, and that all fines collected under the provisions of this section, shall be, by the constable, paid to the overseer of said road district for the use of said district.

SEC. 8. *Be it further enacted*, That all fines imposed under this act, shall be paid to the constable of the township, who shall receipt for the same, and shall be by him expended on the road districts, for which they were imposed; and the receipt of the constable shall be filed with the justice, who shall thereupon enter full satisfaction of judgment, and shall charge the constable with the same, and the constable shall, on paying out such money for work, take a receipt, which shall be filed with the justice, and such justice shall enter a credit for the same; and in the failure of any constable to account for any moneys paid to him under the provisions of this act, he shall be liable in the same manner as for moneys collected for individuals.

SEC. 9. *Be it further enacted*, That the overseer, or hand appointed by him to warn in the hands, shall have full power to put down the names of all persons subject to work on the road that he may find in the road district; and if any number of hands desire to have allotted to them a certain portion of the road, it may be done by the consent of a majority of the hands in the road district, and the approval of the overseer thereto.



**SEC. 10.** *Be it further enacted,* That on the failure of any county court to district the roads at the first term of the county court after the first day of January, 1853, and to appoint overseers and justices of the peace to apportion hands, it may be done at some subsequent term; *Provided,* That when any new road district shall be established, the court shall appoint an overseer for such district, whose term of service shall expire at the regular term designated for appointing overseers.

**SEC. 11** *And be it further enacted,* That the act amendatory to the act passed and approved December thirty-first, eighteen hundred and fifty, is hereby repealed, and that all of chapter one hundred and forty of the Digest of the statutes, under the head of roads and highways, not in conflict with this act, be and the same is hereby revived; and all laws and parts of laws in conflict with this act are hereby repealed; and that this act take effect from and after its passage.

Approved 5th January, 1853.

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### An act to change the time of holding the Probate Court of Prairie county.

**SECTION.**

1. Probate court of the county of Prairie to be holden on the second Mondays of January, April, July, and October; and to continue from day to day until all business is disposed of with like power and jurisdiction now granted by law.
2. All suits, etc., now pending in said court, continued to the term ap-

**SECTION.**

- pointed by this act, on the second Monday of April next; provided, that the county courts shall be held on the fourth Mondays of January, April, July and October.
3. All laws and parts of laws contrary to this act repealed; and this act in force from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the probate courts of the county of Prairie shall hereafter be holden on the second Mondays of January, April and July and October, and continue from day to day until the business thereof shall be determined, with the like power, authority and jurisdiction now held, possessed and exercised by the probate courts of said county; and that all matters cognizable in the said court of probate, now existing or hereafter to arise, shall be brought into the said court at the times herein provided for.

**SEC. 2.** *Be it further enacted,* That all suits, claims, controversies, settlements and matters of what nature soever in the said court already brought and now depending, shall be, and the same are hereby continued over to the court to be held under the provisions of this act on the second Monday of April next; *Provided,* however, that the county courts of said county shall be held on the fourth Mondays of January, April, July and October, as heretofore provided by law.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act, be repealed ; and that this act be in force from and after the time of its passage.

Approved 5th January, 1853.

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An act to change the county line dividing Union and Ouachita counties.

SECTION

1. Smakovert creek declared the line between the counties of Union and Ouachita.

SECTION

2. All laws conflicting with the foregoing section repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the main channel of the Smakovert creek, from the point on said creek, where the range line dividing ranges sixteen and seventeen west, strikes the same to the mouth of said creek, be, and the same is hereby declared to be the line dividing Union county from Ouachita county.

SEC. 2. *Be it further enacted*, That all laws in conflict with the foregoing section be, and the same are hereby repealed.

Approved 6th January, 1853.

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An act to attach a part of Pope county to the county of Yell, in this State.

SECTION.

1. Takes from Pope county and attaches to Yell county certain lands, described and amounting to about fifty sections
2. All tax paying citizens on the lands described, to pay their tax due prior to the taking effect of this act, to the assessor and collector of Pope

SECTION.

- county.
3. All writs and other process upon citizens of said detached territory made returnable to any court of Pope county, as valid as they would have been prior to passage of this act.
4. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that territory belonging to Pope county, which is named hereafter in this section, be, and the same is hereby detached from the county of Pope and attached to the county of Yell, to wit: beginning in the middle of the main channel of the Arkansas river, due south of the mouth of Piney creek, and on the county line of Johnson county, thence southeasterly with the channel of the Arkansas river to the crossing of the military road, thence south to the south bank of the Arkansas river, thence with the Boonville road southwesterly to the crossing of the line between township six

and seven, thence west with the said township line to Johnson county line, thence north with the Johnson county line to the point of beginning, containing about forty-seven and three quarter sections of land and about two and a quarter in the river, making a territory of about fifty sections or square miles.

SEC. 2. *Be it further enacted*, That all citizens, residents of said territory, named in the first section of this act, and who are subject to taxation by poll or otherwise, shall, and they are hereby required to pay to the assessor and collector of taxes, of Pope county, all such taxes as may be due prior to the taking effect of this act.

SEC. 3. *Be it further enacted*, That all writs or other process heretofore executed upon any person or persons, resident upon said detached territory, and made returnable to any of the courts of Pope county prior to the taking effect hereof, shall be as valid and binding upon such persons as would have been prior to the passage of this act.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of January, A.D. 1853.

Approved 6th January, 1853.

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An act to place that part of the United States road that passes through Izard county, under the jurisdiction of the county court of said county.

SECTION

1. Places so much of United States road as passes through Izard county on same footing as county roads; and

SECTION

this act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That so much of the United States road leading from Jackson, in Lawrence county, to Fort Smith, as passes through Izard county, be placed on the same footing as other county roads, and the laws that are now in force, regulating county roads shall be applicable, and be in full force as to such part of the United States road; and this act shall take effect and be in full force from and after its passage.

Approved 6th January, 1853.

## An act to provide for the organization of the Militia when called out to suppress insurrections.

## SECTION.

1. When militia called out to suppress insurrections, and not organized, sheriff of the county when such militia are called out to order an election of officers upon the assembling of said companies, regiments or battallions.
2. sheriff to appoint judges and clerks of elections and to certify to Governor the result of said elections, officers

## SECTION.

- elected to be deemed commissioned until Governor transmits commission according to returns of said election.
3. Officers elected under provisions of this act to be respected and obeyed as though commissioned by the Governor.
4. This act to go into effect from and after its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That at any time when the militia of the State shall be called out to suppress insurrections, when the same shall not be organized, the sheriff of the county, when such militia is called out shall order an election of officers of such regiments, battallions or companies, immediately upon the assembling of said regiments, battallions or companies.

**SEC. 2.** *Be it further enacted,* That said sheriff shall appoint two competent persons as judges of such election, and two clerks of said election, who shall be qualified as the law directs, and who shall conduct the election, as now provided for by law. The returns of said election shall be made to the sheriff ordering the same who shall transmit to the Governor certificates of such election, and he shall also furnish each officer so elected with a certificate of his election, who shall be authorized to proceed and act under said certificate as a commissioned officer, until his commission shall be transmitted to him from the governor.

**SEC. 3.** *Be it further enacted,* That all officers elected under the provisions of the foregoing sections, after they shall have received the certificate of election from the sheriff authorized to grant the same, shall be obeyed and respected as though they were commissioned by the governor.

**SEC. 4.** *Be it further enacted,* That this act shall go into effect from and after this date.

Approved 6th January, 1853.

## An act to prevent slaves and free negroes from being employed in retail groceries or dram shops.

## SECTION

1. Slaves not to be employed by hire in any grocery or other place where ardent spirits are sold in less quantity than one quart.
2. Hiring or suffering to be hired in any grocery or other place where ardent

## SECTION

- spirits are sold in quantities less than one quart shall be subject to indictment, and fine in any sum less than \$50 nor more than \$100.
3. This act to be given in charge to juries, as other criminal offences are

## SECTION

given.

4. All laws conflicting with this act re-

## SECTION.

pealed; This act in force from and after the first day of March 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That no master, owner or overseer, of any slave or slaves, shall hire, permit, or suffer to be hired or employed, any slave or slaves, or any free negro or mulatto, in any retail grocery, dram shop, or other place where vinous or ardent spirits are sold in less quantities than one quart.

SEC. 2. *And be it further enacted*, That any master, owner, or overseer of any slave or slaves, who shall hire or employ, or suffer to be hired or employed, any slave or slaves, or any free negro or mulatto in any retail grocery, or dram shop, or other place where vinous or ardent spirits are sold in quantities less than one quart, shall be subject to indictment, and on conviction thereof, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars.

SEC. 3. *And be it further enacted*, That it shall be the duty of the presiding Judge of the circuit courts in this State to give this act in charge to the grand juries, as other criminal offences are required to be given in charge.

SEC. 4. *And be it further enacted*, That all laws and parts of laws in contravention of this act be, and the same are hereby repealed; and that this act take effect and be in force from and after the first day of March next.

Approved 6th January, 1853.

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An act to sell School Lands.

## SECTION

1. Empowers the citizens of township 7 south, of range 1 east, in Desha county, to sell 16th section for school purposes.

## SECTION

2. Money arising from said sale to be appropriated in accordance with existing laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the resident citizens of township seven, south of range one east, of the fifth principal meridian, in the county of Desha, be, and they are hereby authorized and empowered to sell the sixteenth section for school purposes.

SEC. 2. *Be it further enacted*, That the moneys arising from the sale of said section shall be in all respects managed, used and appropriated in accordance with existing laws.

Approved 6th January, 1853.

## An act to facilitate the convenience of assessing and collecting Taxes.

## SECTION

1. Assessor to give three days' public notice, to be set up at three public places in each township, appointing two days in succession for the purpose of taking an account of taxable inhabitants and property.
2. Any taxable inhabitant failing to comply with the provisions of this act, forfeits fifty cents, to be paid as a fee to said assessor.
3. Collector, after receiving tax book, appoint two days in each township to receive taxes, and a failure on

## SECTION

- the part of any tax payer shall subject him to fine of fifty cents, to be paid to said collector; provided each tax payer may be allowed five days after advertisement to call on said sheriff's and give a list of property or pay their tax.
4. Non-residents' lands valued by three householders; such valuation, if not less than \$3 per acre, to govern sheriff in assessing same.
5. Conflicting laws repealed; and this act in force from its passage.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Arkansas,* That the assessor of the revenue of each county shall, by giving twenty days' previous public notice, by advertisements set up in three of the most public places in each township in his county, appoint two days in succession, in which he will attend in such township, at the place appointed for holding elections, for the purpose of taking an account of the taxable inhabitants and property in such township.

**SEC. 2.** *Be it further enacted,* That if any taxable inhabitant of any township shall fail to attend and give an account of his taxable property, in accordance with the provisions of the preceding section of this act, at the time and place appointed in his township for the purpose, he shall forfeit to the assessor fifty cents, to be assessed upon him, and collected as a fee to the assessor, to compensate him for the trouble of going to the residence of such delinquent or other place to assess his property, and so forth.

**SEC. 3.** *Be it further enacted,* That the collector of each county shall, after the tax book is delivered to him, by a similar advertisement, appoint two days in each township, in which he will meet the tax payers at the place of holding elections, to receive their taxes, as provided in the first section of this act; and if any tax payer shall fail to attend at the time and place appointed, and pay his taxes, he shall forfeit to the collector fifty cents, to be collected by him, as a fee for his trouble in collecting the taxes of such person by going to his residence, or other place; *Provided,* That each and every tax payer in the State shall be allowed five days after the day advertised by their respective sheriffs, in which to call on their said sheriffs and give a list of their property, or pay the tax on the same, before they shall be subject to the fines imposed by sections two and three of this act.

**SEC. 4.** *Be it further enacted,* That all lands belonging to non-residents, shall be valued by three householders of the election township within which the lands are situate, to be appointed by the sheriff, and such valuation, provided it is not less than three



dollars per acre, shall govern the sheriff in assessing the same.

SEC. 5. *Be it further enacted*, That conflicting laws are repealed, and this act shall be in force from its passage.

Approved 6th January, 1853.

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An act to attach a portion of Conway county to the county of Pope, in this State.

SECTION

1. Changes certain territory from the county of Conway, and attaches it to the county of Pope.
2. Taxes due Conway county from the taking effect of this act, by citizens of said territory to be paid to collector of Conway county.

SECTION

3. Writs on other process executed and made returnable to any court of Conway county upon residents of detached territory prior to taking effect of this act, valid and binding.
4. This act take effect and be in force from and after 1st January, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that territory belonging to Conway county, which is hereinafter named in this section, be, and the same is hereby detached from the county of Conway, and attached to the county of Pope, to wit: beginning at the main channel of the Arkansas river, on the line dividing ranges numbered seventeen and eighteen, running with said line north to Point Remove creek; thence up the main channel of said creek to the right hand fork of Point Remove creek, thence up the right hand fork to where said range line crosses the same: thence with said line to the Van Buren county line.

SEC. 2. *Be it further enacted*, That all citizens resident of said territory, named in the first section of this act, and who are subject to taxation by poll or otherwise, shall, and they are hereby required to pay to the assessor and collector of taxes of Conway county, all such taxes as may be due prior to the taking effect of this act.

SEC. 3. *Be it further enacted*, That all writs or other process, heretofore executed upon any person or persons resident upon said detached territory, and made returnable to any of the courts of Conway county, prior to the taking effect hereof, shall be as valid and binding upon such persons as would have been prior to the passage of this act.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after the first day of January, 1853.

Approved 6th January, 1853.

An act to incorporate the President and Trustees of the Lacy Male and Female Academy.

SECTION

1. Establishes the "Lacy Male and Female Academy," in Drew county.
2. Names the trustees of said academy.
3. Declares said trustees and their successors a body politic and corporate, with power to have and receive lands, tenements, in fee simple; and personal property, which may be granted them for the interest of said academy; provided, such property shall not exceed \$10,000 over and above necessary buildings, etc.
4. A majority of trustees may call meeting to elect president, and said president may call meeting of trustees when he may deem it necessary.
5. May have a common seal, and alter the same; may sue and be sued in

SECTION

- all courts of law and equity in this State, by their corporate name; have power to grant, bargain and sell any property owned by said company; construct buildings, purchase books and apparatus; to enact by-laws for the government of said corporation; to employ teachers, and appoint such other officers as they deem necessary.
6. Lands belonging to said corporation, and devoted to educational purposes, exempt from State or county tax.
 7. Misnomer not to affect any grant or devise.
 8. Act in force 50 years, subject to renewal; and to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That an institution of learning be, and the same is hereby established at Lacy, in the county of Drew, to be denominated the "Lacy Male and Female Academy."

SEC. 2. *Be it further enacted,* That the following persons be, and they are hereby appointed and constituted trustees of said academy, viz: Dudley D. Daniel, William E. Spencer, James C. Glennon, William T. Everett, William G. Gaice, Horatio Wallace, William D. Killian, William B. Daniel, Barton C. Everett, Calvin Spencer and C. F. Harris, who, and their successors, shall have the charge, care and management thereof.

SEC. 3. *Be it further enacted,* That the trustees aforesaid, be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name and description of "The President and Trustees of the Lacy Male and Female Academy;" and by that name they, and their successors may, and shall have perpetual succession, and be able and capable to have, take and receive, and enjoy, to them, lands, tenements and hereditaments, of any kind, in fee simple, for life or for years, and personal property of any kind whatever, which may be given, granted, bargained, sold, devised, or bequeathed to them for the promotion of the interests of said academy; *Provided,* That the amount of property owned by said corporation shall not, at any time exceed the sum of ten thousand dollars, over and above the buildings, library and apparatus necessary to said academy and money on hand.

SEC. 4. *Be it further enacted,* That there shall be a meeting of the said trustees called by, and at the instance of, a majority thereof, upon giving five days' notice in writing to the others of the time and place of such meeting; and they shall then proceed to elect one of their number a president of the board of said trustees; and

the president so elected shall have power to call a meeting of said board of trustees whenever it shall appear to him to be necessary or proper; and a majority of said board of trustees when assembled, shall be a quorum for the transaction of business.

SEC. 5. *Be it further enacted*, That the president and trustees of said academy shall, and may have a common seal, with liberty to change and alter the same from time to time as they shall think proper; and that, by the said name of "The President and Trustees of the Lacy Male and Female Academy," they and their successors shall be able to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this State; and to grant, bargain, and sell or assign, any lands or tenements, goods or chattels, that may belong to said corporation, to construct all necessary and proper buildings, to purchase and provide such books, instruments and apparatus as they may deem necessary and proper for said academy; to make such by-laws, rules, and regulations for the government of said corporation, as they may deem necessary, expedient, or proper, not conflicting with the constitution and laws of the United States, or of this State, or with this act; and to make and provide such rules and regulations for the government, control and management of said academy, the teachers and pupils thereof, as they may judge proper and advisable; to contract with, engage, hire and employ teachers and instructors for said academy, and to elect, appoint and employ, such other officers and agents as they may deem necessary or proper to promote the interests of said academy; and, in general to do and perform any and all acts, which in their judgment, shall be necessary for the general interests and prosperity of said academy, in as ample a manner as any person or body politic can or may do by law.

SEC. 6. *Be it further enacted*, That all lands and other property, which may belong to said corporation, devoted to educational purposes, shall be exempt from taxation either by the State or county.

SEC. 7. *Be it further enacted*, That no misnomer of said corporation shall defeat or annul any gift, grant, devise, or bequest to the same for the benefit of said academy.

SEC. 8. *Be it further enacted*, That this act shall be, and remain in force for the term of fifty years, subject renewal by the General Assembly; and that it take effect from and after its passage.

Approved 6th January, 1853.

An act to incorporate the Peoples' Insurance Company at Osceola.

SECTION

1. Establishes the "Peoples' Insurance Company at Osceola," with a capital stock of \$100,000, and power to increase same to \$300,000.
2. Names the commissioners to open books for subscriptions, on first Monday in April next, and to keep them open 10 days, unless the stock is sooner taken, in that case, stockholders to elect five directors; who shall hold their office until their successors are elected.
3. Said corporation to have and hold real estate, and the same to dispose of, which may be conveyed to said company; may have, use and alter a common seal; and to make by-laws for the government of said company.
4. Insurance not to issue until 10 per cent. of the capital stock is paid in; and when said payments have been paid company to issue to stockholders certificates for the amount.
5. Authorizes said company to effect insurances on ships, steamboats and all sorts of goods and wares, and on lives; to fix premiums, and to receive and hold lands, and the same to dispose of; and to do all things necessary to promote these objects.
6. Company may invest stock, money or other property in stock; and the same to sell or transfer, and re-invest; and may loan the same, on real or personal security as shall be deemed prudent.
7. Estate, business and funds to be under control of five directors, each of whom shall hold in his own name 25 shares; individual property of stockholders bound for the debts of the company.
8. Election to be held on first Monday of May, in each year, at the town of Osceola; each share entitled to one vote; and failing to hold said election, old board of directors to continue in office until an election; and to fill vacancies.

SECTION

9. Directors to elect a president; and in case of death or removal, to appoint a president *pro tem*. To fill all vacancies in their own body; and to appoint a secretary and subordinate officers and agents.
10. President and two of the directors, in the name of the company to insure property to secure premium under such regulations as said board may establish.
11. Stockholders to dispose of stock as other personal property.
12. Half yearly reports of the affairs of the company to be laid before stockholders.
13. Stockholder failing to pay installments when required, board have power to declare stock forfeited; and the same sold at public auction to highest bidder, and such sale vests the stock in purchaser.
14. Board may require of stockholders additional security for stock remaining unpaid; and failing to give such security, stock forfeited and disposed according to preceeding section.
15. Company may insure any property not named in this act.
16. President and directors may establish agencies in Arkansas or elsewhere.
17. Company to pay to the State one fourth of one per cent. on amount paid in as a bonus for charter.
18. An insurance office may be established at Van Buren, with a capital stock of \$100,000, to be governed in all things under the rules conferred on the "peoples' insurance company" and called the "northwestern insurance company," and continue for 50 years.
19. Books for subscription to be opened at Van Buren on first Monday in March, 1853; and continue open five days, under direction of persons named.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That an insurance company shall be established in the town of Osceola, with a capital stock of one hundred thousand dollars, with power and authority to increase the capital stock to three hundred thousand dollars, to be divided into shares of ten dollars each, to be subscribed for in the manner hereafter specified, which body politic shall have perpetual succession by the name and style

of the "Peoples' Insurance company at Osceola," and shall so continue for the period of fifty years.

SEC. 2. *Be it further enacted,* That Elliott H. Fletcher, Samuel B. Lanier, O. P. Catron, John B. Finiley and Thomas J. Blackmore, at the town of Osceola; Jesse A. Jackson, James C. Tappan and Walter E. Preston, at the town of Helena; at the city of Little Rock, Isaac C. Mills, A. W. Hicks, Andrew J. Hutt, and William E. Woodruff; and at Memphis, Henry R. Pugh, J. B. Kirtland, S. H. Lamb, E. W. Rowlett and Lewis R. Richards, be and they are hereby appointed commissioners, (any three of whom may act), and are authorized to open books for subscription at the said several places herein enumerated, for the capital stock of said company, on the first Monday in April next, and to keep them open for ten successive days, from 10 o'clock A. M. until 4 o'clock P. M., unless the said stock shall be sooner taken; and if the said stock shall, within the said ten days, be subscribed for, it shall and may be lawful for the stockholders to meet and elect five directors, who shall hold their office until the first Monday in May, 1854, and until their successors are elected.

SEC. 3. *Be it further enacted,* That said corporation is hereby authorized to hold, possess, and acquire, and the same to sell and convey all such real estate as shall be necessary for the convenient transaction of its business, or which may be conveyed to said company for the security of any debts which may become due and owing, or in satisfaction of any judgment or decree rendered in favor of said company; and may have and use a common seal, the same to alter or renew at pleasure, and may make such other regulations and by-laws as shall be necessary and proper for the good government of said company, not inconsistent with the laws and constitution of this State and the United States.

SEC. 4. *Be it further enacted,* That the said company shall not be authorized to make any insurance under the provisions of this act, until the stockholders shall have paid up ten per cent. upon the capital stock of said company subscribed, and shall have no one risk to exceed one third of its capital stock, paid and secured to be paid; that said company shall, when the stockholders thereof in pursuance of a call of said company for a payment of installments on stock of said company, and the same shall be paid according to the provisions of this act, issue to such stockholders a certificate of the amount or amounts so by them respectively paid on said share or shares subscribed.

SEC. 5. *Be it further enacted,* That said company shall have full force and authority to make insurance upon ships, steam-boats, flat-boats and other water crafts and vessels and freights, seamen's wages, goods, wares and merchandise, furniture and other articles, gold silver and bullion, or money, against all maritime risks, or risks of the river, and upon houses, stores, and other buildings, goods, wares and merchandise, and other articles, against fire, and upon

bottomry and respondentia, and to fix a premium thereon, and the said company shall have power to make insurance on lives, to except [accept] and execute all such trusts of every description as may be committed to them, by any person or persons whatever, or may be transferred to them; to receive and to hold lands under grants, with general or special covenant, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey, and dispose of, and generally to do and perform all other things necessary to promote these objects.

SEC. 6. *Be it further enacted*, That said company may invest any part of its capital stock, money, funds, or other property, in any public stocks or funded debt, created or to be created, by or under any of the laws of the United States, or this or any other state, or in exchange, or other commercial or negotiable securities, and the same to sell or transfer at pleasure, and again reinvest the same whenever and so often as the exigencies of said company or a due regard for the safety of its funds shall require; or they may loan the same, or any part thereof, to individuals or to corporations, on real or personal security, for such period of time as the directors for the time being shall deem prudent and best for the interest of said company.

SEC. 7. *Be it further enacted*, That the real and personal estate, business and funds of said company and the administration of its affairs, shall be under the direction, management and control of five directors, each of whom shall be owners in their own name of not less than twenty-five shares of the capital stock of said company, and that the individual property, both real and personal, of every stockholder in said institution, shall be held and bound for the payment of the debts of said corporation to the extent of the stock of each company [stockholder].

SEC. 8. *Be it further enacted*, That an election shall be held after the first, for the election of a board of directors for said company, at the office of said company in the town of Osceola, on the first Monday in May, in each and every year, of which ten days' notice shall be given, in the newspapers of this State; that each shareholder shall be entitled to give one vote, for each share of which he may be the owner; and the persons so elected shall serve as directors for the next succeeding twelve months; and if at any time an election shall not be held, as herein provided, the said company shall not be dissolved, but the board of directors for the time being shall serve until another election shall take place, which may be at any time thereafter, the board for the time being giving at least ten days' notice thereof, in at least one of the newspapers printed in said State; and the said directors are hereby authorized to fill any vacancy which may happen from death, resignation, or otherwise.

SEC. 9. *Be it further enacted*, That the directors so elected, shall elect one of their body president of said company, who shall serve

until the next annual election. In case of his death, resignation or removal, the board shall appoint a president *pro tempore*. They shall fill all vacancies which shall occur in their own body, and shall appoint a secretary and subordinate officers, clerks, agents and servants of said corporation, and define their powers and prescribe their duties, who shall hold their offices during the pleasure of the board.

SEC. 10. *Be it further enacted*, That the president and two of the directors shall have full power and authority in the name of said corporation, to insure upon all and every description of property, and may receive for the amount of the premium, such security, and payable at such times as they may deem satisfactory, and in conformity with regulations, which may from time to time be established by the board.

SEC. 11. *Be it further enacted*, That it shall and may be lawful for the stockholders of said company to sell and transfer said stock as they may do other personal property.

SEC. 12. *Be it further enacted*, That, on the first Mondays of May and November, of each year, half-yearly statements shall be made of the situation of the capital and of the state of the accounts of the company, which shall be laid before the stockholders, with the amounts, number and risks, undetermined, and such dividends of the profits may be made as the president and directors may think advisable; but they shall in no case diminish the capital stock.

SEC. 13. *Be it further enacted*, That if, at any time, a stockholder shall fail to pay such installments on his stock as may be called for at the time, and in the manner prescribed, the board of directors shall have full power to declare such stock forfeited; and shall, after giving ten days' notice thereof, offer the same for sale at public auction, to the highest bidder for cash; and the number of shares so sold shall be transferred to the purchaser by the president and directors of said company, who shall, by virtue of such transfer become a member of such company; and if the same be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit, in any court or tribunal of the State having jurisdiction thereof.

SEC. 14. *Be it further enacted*, That the board of directors shall have power at any time, where in their opinion, the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid; and if such stockholder shall fail or refuse to give such additional security, to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceeding sections.

SEC. 15. *Be it further enacted*, That said company shall have power to insure any property not named in this act.

SEC. 16. *Be it further enacted*, That the president and directors

of said company may have power to establish agencies in the State of Arkansas, or elsewhere, if to them it may seem proper.

SEC. 17. *Be it further enacted*, That said company shall pay to the State the amount of one fourth of one per cent. per annum on the amount subscribed and paid in as a bonus for the charter.

SEC. 18. *Be it further enacted*, That there may be established an insurance office at the city of Van Buren, in this State, with a capital stock of one hundred thousand dollars, to be governed in all things under the rules, regulations, limitations and restrictions with all the powers, privileges and immunities conferred on the corporation of the "Peoples' Insurance Company at Osceola," and shall be called the North-western Insurance Company, and shall continue for fifty years.

SEC. 19. *Be it further enacted*, That the books for subscription for stock shall be opened at Van Buren on the first Monday in March, 1853, and continue open for five days, or until the whole stock shall have been taken and subscribed, under the direction of E. B. Bishop, Alfred Wallace, John Henry, George W. Clarke, and Phillip Pennywit, commissioners appointed for that purpose.

Approved 6th January, 1853.

An act to amend Chapter 138, of the Digest of the Statutes of Arkansas, under the head of Revenue of the Counties.

SECTION

1. Clerk of each county to enter in a book by him provided for the purpose, the amount, number and date

SECTION

of redeemed scrip or warrants.

2. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall be the duty of the several clerks of each county in the State of Arkansas, to enter in a book to be provided by him for that purpose, the amount, number and date of all redeemed scrip, or warrants, that may have been canceled, so as to show at all times the full amount of the indebtedness of his county.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 6th January, 1853.

An act repealing in part, an act entitled "An act to grant Corporate Powers for certain purposes."

SECTION

1. So much of an act as relates to building bridges, approved 8th January, 1851, repealed.

SECTION.

2. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That so much of an act entitled "an act to grant corporate powers for certain purposes," approved 8th January, 1851, as relates to the building of bridges, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 7th January, 1853.

An act to incorporate the Makemic College.

SECTION.

1. Names certain persons as trustees of Makemic College, and grants them and their successors in office corporate powers.
2. Grants to Synod of Arkansas, under the care of General Assembly of Presbyterian church, power to appoint additional members to said corporation, so that the whole number shall not exceed eighteen; to fill vacancies, appoint instructors, in said institution, and to remove the same when needful.
3. Corporation to erect at any point they may select, an institution of learning, to establish within it departments in the learned professions; to confer degrees and grant diplomas signed by the president and faculty; may receive and hold all kinds of property, and the same to manage for procuring ground, the erection of buildings, library apparatus, etc., provided the annual income of said property shall not exceed \$12,000 exclusive of the grounds, buildings, etc.
4. Shall keep regular and fair entries of their proceedings and just accounts of their receipts, and exhibit

SECTION.

- same to Synod at each annual meeting of that body; and shall conform to written instructions from said Synod, in relation to their trust.
5. First meeting of said corporation to be at time appointed by any three of above named members, and thereafter upon its own adjournments, or a written notice from the President and signed by one other member, or upon an order passed by said Synod.
6. Three members necessary to transact business. Corporation has power to enact by-laws; elect a president and vice president, and such other officers and servants as are necessary.
7. Misnomer not to defeat any gift grant, or devise; provided the true intent of the parties shall appear on the face of the writing.
8. If charter forfeited, all the property of corporation to vest in said Synod for educational purposes.
9. No interpretation of this act to contravene the laws of the United States or of Arkansas.
10. Act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Samuel J. Baird, Thomas W. Newton, Joshua F. Green, Edwin R. McGuire, D. C. Montgomery and William L. McGuire, and their successors, chosen in manner as hereinafter directed, be, and they are hereby constituted a body politic and

corporate, by the name of "Trustees of Makemic College," and by that corporate name, to sue and be sued, to plead and be impleaded, to answer and be answered, defend and be defended in any court of law or equity in the State of Arkansas.

SEC. 2. *Be it further enacted*, That it shall be lawful for the synod of Arkansas, being under the care of the general assembly of the Presbyterian church in the United States, so soon as the said synod shall so determine, to appoint additional numbers to the said corporation, so that the whole number shall not at any time exceed eighteen, and the members to change from time to time, as it may deem expedient, not removing more than one third of the whole number in any one year; to fill any vacancies which may occur in the corporation; to elect all instructors in the several departments of the institution for the erection of which this act provides, and the same to remove when it shall be deemed needful for the welfare of the institution.

SEC. 3. *Be it further enacted*, That said corporation shall have power to found an institution of learning at such point within this State as they may select; to establish in it departments for instruction in the arts and sciences, and any of the learned professions, and upon the recommendation of the faculty, to confer all such degrees as are usually conferred by colleges or universities; to adopt a common seal for the transaction of business, and to give diplomas, in testimony thereof, signed by the president of the corporation, and by the members of the faculty of the college, and sealed with the common seal of the corporation; for the establishment and support of said institution, to purchase, receive, hold and use all kinds of property in any such way, and in as full and complete a manner as by the laws of this State any person or corporation can or ought to do; and the same to manage and use according to their best discretion for the procuring of grounds, the erection of buildings, the support of instructors, the purchase of libraries and apparatus, and whatever else they may deem conducive to the welfare of the institution; *Provided*, That the annual income of such property shall not exceed the value of twelve thousand dollars, exclusive of the grounds, buildings, apparatus, libraries, and other furniture of the institution.

SEC 4. *Be it further enacted*, That the said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements in books provided for that purpose, and shall exhibit the same to the said Synod of Arkansas at each annual meeting of that body, and shall conform the management of their trust to such instructions as may at any time be received in writing from the said synod, under the hand of the clerk thereof.

SEC. 5. *Be it further enacted*, That the said corporation shall hold its first meeting at such time and place as may be indicated by a circular letter, signed by any three of the above named members,

and shall thereafter meet upon its own adjournments, or be assembled by a written summons to each member, issued by the president and endorsed by at least one other member of the corporation, or upon an order passed by the said synod, attested by the clerk thereof, and addressed to each member.

SEC. 6. *Be it further enacted,* That in order to transact any business there shall be present at least three members, and not less than one third of the whole corporation. The aforesaid corporation shall have power to make by-laws and ordinances, to elect a president and vice president, appoint such other officers and servants as may be deemed necessary, and do every thing incident and needful for the support and government of the said corporation, and managing of the funds, revenues and property thereof.

SEC. 7. *Be it further enacted,* That no misnomer of the "Trustees of the Makemic College shall defeat or annul any gift, devise or bequest to the same; *Provided,* The true interest of the parties shall sufficiently appear on the face of the writing by which any estate or interest was intended to pass to the said college; nor shall said trustees forfeit this charter by non user.

SEC. 8. *Be it further enacted,* That should the charter at any time, or by any means be forfeited, all the property of said corporation shall thereupon vest in the said Synod of Arkansas, to be by it appropriated to educational purposes.

SEC. 9. *Be it further enacted,* That no interpretation shall be given to this act, or any provisions therein, contravening the constitution or laws of the United States, or of Arkansas, or any other provision of this act.

SEC. 10. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved 7th January, 1853.



An act to incorporate the Merchants and Planters Insurance company at Camden.

SECTION.

1. Establishes an insurance company at Camden with a capital stock of 100,000, which may be increased to \$300,000, in shares of \$10 each, to continue 50 years.
2. Names certain persons as commissioners to open books for subscription at Camden, or other places they may designate; when capital stock subscribed, stockholders to meet and elect five directors, to hold office till successors elected.
3. Said company to have and hold property, real and personal; have and

SECTION.

- use a common seal; make by-laws and regulations for the good of the company, not inconsistent with the laws of this State and the United States.
4. Said company to make no insurance until 10 per cent. of the capital stock shall be paid; upon payment of installments, stockholder to receive certificates of amount.
5. Company to insure property and fix premiums, and on lives; to hold lands, and the same to convey, sell and dispose of.

SECTION

6. Company may invest capital stock in money, funds or other property, and the same to sell or transfer at pleasure, or reinvest, or may loan any part thereof, as the directors for the time being deem prudent
7. Business of said company under direction of five directors, who shall each own 25 shares of the capital stock; stockholders individually bound for the debts of the company to the amount of their respective shares.
8. Provides for an election of directors on first Monday of March in each year; each share entitles a vote; if at any time an election shall fail, company not to dissolve, but the directors for the time to continue in office until one is had, and to fill vacancies.
9. Directors to elect a president, to hold office one year; the directors to fill vacancies and appoint subordinate officers, agents, etc.
10. President and two directors to insure on all kinds of property, and take security for premiums.

SECTION

11. Stockholders may sell or transfer stock.
12. Half yearly statements of the affairs of the company to be laid before stockholders; capital stock not to diminish.
13. Directors may declare stock forfeited upon failure of stockholder to pay installments, and may proceed to sell said stock to highest bidder for cash, and the buyer becomes a member; company may make up deficiency by suit against original stockholder.
14. Board may require of stockholders additional security for stock unpaid, if stockholder refuses said security, they may declare stock forfeited, and proceed to sell as provided for in previous section.
15. Company have power to insure any property not named in this act.
16. President and director may establish agencies in this State or elsewhere.
17. Company to pay to the State one-fourth of one per cent. per annum on the amount subscribed for and paid in, as a bonus for the charter.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That an insurance company shall be established in the city of Camden, in Ouachita county, with a capital of one hundred thousand dollars, with power and authority to increase the capital stock to three hundred thousand dollars, to be divided into shares of ten dollars each, to be subscribed for in the manner hereinafter specified, which body politic shall have perpetual succession by the name and style of the "Merchants and Planters Insurance Company at Camden," and shall so continue for the period of fifty years.

SEC. 2. *Be it further enacted,* That Ezra Hill, John Matlock, James Vaughan, Peter McCollum, James M. Brooks, Joseph M. Graham, Wm. Cleaver, Peter K. Rounsaville, and Calvin M. Herve, be, and they are hereby appointed commissioners, (and three of whom may act) and are authorized to open books for subscription at the said city of Camden hereinbefore mentioned, or at such other place or places, as they may designate, for the capital stock of said company, on the first Monday in March next, or at any subsequent time which they may designate, and to keep them open for ten successive days, from ten o'clock, A. M. until four o'clock, P. M. unless the said stock shall be sooner taken, and if the said stock shall, within the said ten days be subscribed for, it shall and may be lawful for the stockholders to meet and elect five directors, who shall hold their office until the first Monday in March, 1854, and until their successors are elected; *Provided,* That if the said stock is not all subscribed at the time appointed, the books may be

opened from time to time upon notice, until the stock is taken.

SEC. 3. *Be it further enacted*, That said corporation is hereby authorized to hold, possess, and acquire, and the same to sell and convey all such real estate as shall be necessary for the convenient transaction of its business, or which may be conveyed to said company for the security of any debts which may become due and owing, or in satisfaction of any judgment or decree rendered in favor of said company; and may have and use a common seal, the same to alter or renew at pleasure, and may make such other regulations and by-laws as shall be necessary and proper for the good government of said company, not inconsistent with the laws and constitution of this State and the United States.

SEC. 4. *Be it further enacted*, That said company shall not be authorized to make any insurance under the provisions of this act until the stockholders shall have paid up ten per cent. upon the capital stock of said company subscribed, and shall have no one risk to exceed one third of its capital stock paid and secured to be paid; that said company shall, when the stockholders thereof, in pursuance of a call of said company for the payment of installments on stock of said company, and the same shall be paid according to the provisions of this act, issue to such stockholder a certificate of the amount or amounts so by them respectively paid on such share or shares so subscribed.

SEC. 5. *Be it further enacted*, That said company shall have full power and authority to make insurance upon ships, steamboats, flat boats and other water crafts, and vessels and frigates, (seamen's) wages, goods, wares and merchandise, furniture and other articles, gold, silver, bullion, or money, against all maritime risks, or risks of the river, and upon houses, stores, or other buildings, goods, wares or merchandise, and other articles, against fire, and upon bottomry and respondentia, and to fix a premium thereon; and the said company shall have power to make insurance on lives, to accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, as may be transferred to them, to receive and to hold lands under grants with general or special covenants so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey and dispose of, and generally to do and perform all other things necessary to promote their objects.

SEC. 6. *Be it further enacted*, That said company may invest any part of the capital stock, money, funds, or other property, in any public stock or funded debt created, or to be created by or under any of the laws of the United States, or this, or any other State, or in exchange or other commercial or negotiable securities, and the same to sell or transfer at pleasure, and again reinvest the same whenever and so often as the exigencies of said company, or a due regard for the safety of its funds shall require; or they may loan the same, or any part thereof to individuals or to corporations,

on real or personal security for such period of time as the directors for the time being shall deem prudent and best for the interest of said company.

SEC. 7. *Be it further enacted*, That the real and personal estate, business and funds of said company, and the administration of its affairs, shall be under the direction, management and control of five directors, each of whom shall be owners in their own name of not less than twenty-five shares of the capital stock of said company, and that the individual property, both real and personal, of every stockholder in said institution shall be held and bound for the payment of the debts of said corporation, to the extent of the stock of each stockholder.

SEC. 8. *Be it further enacted*, That an election shall be held after the first, for the election of a board of directors for said company, at the office of said company, in the city of Camden, on the first Monday in March, in each and every year, of which twenty days' notice shall be given in two or more newspapers of this State; that each share holder shall be entitled to give one vote for each share of which he may be the owner, and the persons so elected shall serve as directors for the next succeeding twelve months; and if at any time an election shall not be held, as herein provided, the said company shall not be dissolved, the board of directors for the time being shall serve until another election shall take place, which may be at any time thereafter; the board, for the time being, giving at least ten days' notice thereof, in at least two newspapers printed in this State, and the said directors are hereby authorized to fill any vacancy which may take place from death, resignation or otherwise.

SEC. 9. *Be it further enacted*, That the directors so elected, shall elect one of their body president of said company, who shall serve until the next annual election; in case of his death, resignation or removal, the board shall appoint a president *pro tempore*; they shall fill all vacancies which shall occur in their own body, and shall appoint a secretary and subordinate officers, clerks, agents and servants of said corporation, and define their powers, and prescribe their duties, who shall hold their offices during the pleasure of the board.

SEC. 10. *Be it further enacted*, That the president and two of the directors shall have full power and authority to insure upon all and every description of property, and may receive for the amount of the premium, such security and payable at such times as they may deem satisfactory, and in conformity with regulations which may from time to time be established by the board.

SEC. 11. *Be it further enacted*, That it shall and may be lawful for the stockholders of said company to sell or transfer said stock as they do other personal property.

SEC. 12. *Be it further enacted*, That on the first Mondays' in May and November of each year, half yearly statements shall be made of the situation of the capital, and of the state of the accounts

of the company; which shall be laid before the stockholders with the amounts, number and risks undetermined, and such dividends of the profits may be made as the president and directors may think advisable; but they shall in no case diminish the capital stock.

SEC. 13. *Be it further enacted*, That, if at any time a stockholder shall fail to pay such installments on his stock as may be called for at the time and in the manner prescribed, the board of directors shall have full power to declare such stock forfeited; and shall, after giving twenty days notice thereof, offer the same for sale at public auction to the highest bidder for cash, and the number of shares so sold, shall be transferred to the purchasers by the president and directors of said company, who shall by notice of such transfer become a member of such company; and if the same be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit in any court or tribunal of the State, having jurisdiction thereof.

SEC. 14. *Be it further enacted*, That the board of directors shall have power at any time when, in their opinion, the interests of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid; and if such stockholder shall fail or refuse to give such additional security to the satisfaction of the board of directors, they may declare said stocks forfeited and sell the same as provided for in the preceding section.

SEC. 15. *Be it further enacted*, That said company shall have power to insure any property not named in this act.

SEC. 16. *Be it further enacted*, That the president and directors of said company may have power to establish agencies in the State of Arkansas, or elsewhere, if to them it may seem proper.

SEC. 17. *Be it further enacted*, That said company shall pay to the State the amount of one-fourth of one per cent. per annum on the amount subscribed for and paid in, as a bonus for the charter.

Approved 8th January, 1853.

An act to establish in the town of Batesville, State of Arkansas, an Institution for the promotion of the Fine Arts, Mechanism, Science, Education, Commerce and Agriculture, and the Diffusion of Knowledge.

SECTION

1. Certain persons named and their successors in office constituted a body corporate and politic; and by the name of the Batesville Institute; with perpetual succession; and by that name, may sue and be sued; have power to make, use and alter

SECTION

a common seal; to buy and sell property; deal in bullion, bills of exchange, etc.; borrow and loan money; make by-laws, and regulations for the control of the company; have powers incident to colleges and other institutions of learning.

SECTION.

2. Capital stock \$50,000, divided into shares of \$25 each, to be deemed personal property, subject to execution and transferable; president and directors deeming said capital stock insufficient to carry out the objects of this act, they may increase the same by the addition of shares as they may deem expedient.
3. There shall be a president, secretary, treasurer and directory; president, executive officer, and the directory legislative; secretary to keep a correct journal of proceedings of directory; treasurer to have custody of funds, and pay them out by direction of president and directory; president and directory to make appointments of other officers. The persons named in this act to meet in Batesville and organize by electing from their number the officers named; a majority of the directors with president constitutes a quorum, and to hold office until an election is held by the stockholders; corporation not dissolved for want of an election; stockholders may hold said election, or fill vacancies.
4. President and directors to keep a journal of their proceedings and read the same to the board of directors; meetings to be at the call of president or any two directors; they shall appoint secretary and treasurer, and fill vacancies.
5. When board thus organized, books to be opened for subscription of capital stock, and appoint agents to receive same; \$1 to be paid at time

SECTION.

- of subscribing; corporations and persons of lawful age may take stock.
6. When \$1000 are subscribed a meeting of the stockholders shall be held to elect officers, each share entitled to one vote; all subsequent elections held according to by-laws and regulations.
7. Certificates of stock to be issued to stockholders as evidence; president and directors to make calls for payment of stock; if any shareholder fails to meet such call, corporation may sue for same, with ten per cent interest.
8. President and directors to use all means to get the institution into operation; to establish a circulating library; as their means increase, shall extend operations so as to include all the objects of this act; and for this purpose, may receive gifts, donations, etc.
9. Institution to be located in town of Batesville, and process against same served on president, secretary, or any one of the directors; all the funds and profits to vest in shareholders, and free from taxation.
10. This act in force from its passage, and deemed a public one, and all courts shall construe it liberally, so as to enable it to carry out the objects for which it is established; the regular organization of the company shall be considered by all courts as proved; all laws or parts of laws conflicting with this act repealed.

SECTION. 1. *Be it enacted by the General Asssembly of the State of Arkansas*, That Beaufort H. Neely, Henry Neil, James H. Patterson, John H. Byers, William L. McGuire and William Byers, and their successors in office, duly elected and qualified, are hereby constituted a body corporate and politic by the name of the Batesville Institute, for the promotion of the fine arts, mechanism, science, education, commerce, and agriculture, and the diffusion of knowledge, with perpetual succession; and by the name of the Batesville Institute, to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction; and shall have power to make and use a common seal, and the same to alter at pleasure; to buy and sell, hold and convey real and personal estate; deal in bullion, bills of exchange, choses in action, bonds, stocks and mortgages; to borrow and loan money, and to do and perform all things which a natural person could do in the premises; to make and put in force all such by-laws

and regulations as they may deem necessary and proper for the government, direction and control of said company, and to carry into effect the general and special powers hereby conferred upon them; and shall have all other powers incident and common to colleges and institutions for the promotion and encouragement of the fine arts, mechanism, science, education, commerce and agriculture and the diffusion of knowledge, as fully as if the same were here specially named.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into two thousand shares of twenty-five dollars each, which shall be deemed personal property, and be subject to execution, and be assignable and transferable under such regulations and restrictions as the said company may by by-laws direct, and should the said capital stock of fifty thousand dollars, at any time be deemed by the president and directors of said company, insufficient to carry out the objects of this act, the said president and directors shall have full power and authority to increase the capital stock, by the addition of as many shares as they may from time to time deem expedient.

SEC. 3. The officers of said institution shall consist of a president, secretary and treasurer, and a directory, to be composed of at least three members; the president shall be the executive and presiding officer; the directory shall constitute the legislative and the general directing and controlling authority; the secretary shall keep a correct journal of the proceedings of the directory, and perform such other duties as may be required of him; the treasurer shall be the custodian of the funds of the institution, and shall pay them out according to the direction of the president and directors, who shall perform such other duties as may be required of him; and the president and directors shall have power to create such other offices, and to make such appointments to fill the same, as they may deem necessary to carry into effect the objects of this act. That the persons named in this act, or a majority of them may meet in the town of Batesville, at such time as they may appoint, and organize said company by the election of one of their body president, a secretary and treasurer, and three directors, and when thus elected, a majority of the directors with the president, shall constitute a quorum to do business, and the said president, directors, secretary and treasurer shall continue in office until the election of the president and directory by the stockholders as hereinafter prescribed, and until their successors are qualified, and this corporation shall never be dissolved for the failure to hold an election or the want of officers, but the stockholders may at any time, after such failure to hold an election or vacancy in the offices of the corporation, hold an election, elect their officers, and proceed as if there had been no vacancy.

SEC. 4. The president and directors shall keep a journal of their proceedings, in which shall be entered all the by-laws, rules, and

regulations of said company, which proceedings shall be read before the board of directors, and if by them approved, shall be signed by the president. They may sit upon their own adjournments, or the call of the president, or any two of the directory, and when the president is absent, the directors may call one of their body to act as president, *pro tempore*; and they shall appoint the secretary and treasurer, and fill all vacancies in office, which may occur by death resignation or otherwise.

SEC. 5. The president and directors when thus organized shall cause books to be opened for the subscription of capital stock, at such times and places as they may choose, giving due notice of the same in such manner as they may think proper, and appoint such agent or agents as they may think proper to receive said subscriptions; and upon every share subscribed for, there shall be paid at the time of subscription to the person appointed to receive the same, the sum of one dollar, and it shall be lawful for all persons of lawful age, and corporations, to subscribe for and take stock in this institution.

SEC. 6. As soon as one thousand dollars of stock is subscribed for by good and solvent persons as above directed, it shall be the duty of the president and directors to call a meeting of the stockholders, and elect a president and directors for said institution; and such president and directors so elected after being qualified, shall elect a secretary and treasurer, and such other officers as they may deem necessary, until otherwise provided by the laws of said institution; each share of stock to be entitled to one vote, and the votes to be given in such manner as may be provided by the by-laws of said corporation, and all subsequent elections to be held at the time and place, and in accordance with the by-laws which may be made by said corporation, and under such restrictions and regulations as may be prescribed by the by-laws of said corporation.

SEC. 7. Certificates of stock shall be issued to the stockholders, which shall be signed by the president, and countersigned by the secretary, and which shall be evidence of the stock held by the person to whom it was issued, and the president and directors shall have authority to call for the payment of such portion of the stock subscribed as they may deem proper, so that they do not call for more than one-half of said stock in any one year, to be paid at such time and place as the said president and directors may appoint; and if any shareholder, after being notified of said call, and the time and place appointed for the payment of such call, shall fail to pay the same, the said corporation may sue for and recover the same before any court having jurisdiction, with ten per centum damages for the detention thereof, and ten per centum interest from due until paid.

SEC. 8. And the president and directors shall use all means in their power to raise the means to put this institution into operation; and if the said capital stock should not all be taken by subscription,

they may sell the same; and one of the first objects of the said president and directors shall be to establish a circulating library under such rules and regulations as they may deem to be the interest of the community and said institution; and as the means of said corporation shall increase, they shall extend their operations and arrangements so as to include all the objects of this act of incorporation, and for the purpose of carrying out and into effect the objects of this institution, said corporation is hereby vested with full power and authority to receive all donations, gifts, grants, and bequests of any real, personal, or mixed, choses in action, or other thing, which may be made to it by any person or corporation, as fully and completely as a natural person could take, receive or hold the same.

SEC. 9. Said institution is to be located in the town of Batesville, State of Arkansas, and process against it shall be executed by delivering a true copy thereof to the president, or in his absence, to the secretary, or if neither the president or secretary are to be found in the county of Independence, then to any one of the directors. That the capital stock of said company, with all the immunities and franchises hereby granted, and all the property and profits which may arise from the same in any way whatever, shall be vested in the respective shareholders of the company forever, in proportion to their respective shares, and the same shall be free from taxation.

SEC. 10. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act, and all courts shall take notice of it without pleading it, and all courts and authorities shall construe it liberally, as to giving all necessary powers to said institution to enable it fully and effectually, upon a liberal and enlarged scale, to carry into effect the general and special objects for which it is established; and the regular organization of the company under this act shall be presumed and considered as proved by all courts of justice; and that all laws or parts of laws in conflict with this act are hereby repealed.

Approved 8th January, 1853.

An act supplementary to an act entitled "an act to establish in the town of Batesville, State of Arkansas; an institution for the promotion of the Fine Arts, Mechanism, Science, Education, Commerce and Agriculture, and the diffusion of Knowledge.

SECTION

1. Corporate powers, etc., granted in the act to which this is supplementary, to cease after 99 years;

SECTION

company not to exercise banking privileges; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the corporate powers, privileges franchises, and immunities, granted in the act which this is a supplement, be, and the same are hereby declared to cease and become extinct from and after ninety-nine years from the passage of said act; and that said corporate institution shall exercise no banking privileges whatever, or emit bills of credit, to circulate as a medium of circulation; and that this act take effect from its passage.

Approved 8th January, 1853.

An act to provide for the building of a Stone Wall around the Penitentiary House of this State.

SECTION

1. Auditor, secretary and treasurer to contract for the wall around penitentiary.
2. Wall 300 feet square, 18 feet above and 2 feet below the surface; 4 feet base.
3. Contract to be in the name of the state, and contractor to have the labor of the convicts in said work for 2 years, and feed and clothe them without expense to the state.
4. Contract to be made as aforesaid, provided the amount contracted does not exceed \$26,250.
5. Bond to be executed by contractor to the state, in \$50,000, for performance of contract and safe keeping of convicts.
6. Unless authorized, contractor not to punish convicts with stripes.

SECTION.

7. Governor to appoint one inspector of the work under contract, who shall examine the work and certify its progress and amounts due for same; governor to draw an order on auditor, who shall issue warrant for amount in order, and the treasurer shall pay the same.
8. Inspector may, for cause be removed.
9. Inspectors salary \$300 per annum.
10. Repeals the law giving to secretary, auditor and treasurer, \$100 each, as inspectors.
11. Superintendent to take oath for the discharge of his duties, and report to the governor every two weeks.
12. Undertakers not to receive pay for pardoned convicts.
13. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the auditor, treasurer and secretary of state, be, and they are hereby authorized to contract for the building a stone wall around the penitentiary house of this state, of the dimensions and materials hereinafter specified; *Provided*, That the auditor, treasurer and secretary of state shall contract with the lowest responsible bidder.

SEC. 2. *Be it further enacted*, That said wall shall be built three hundred feet square, eighteen feet above the surface of the earth, two feet below the surface, four feet base, diminishing to two feet at the top, making a wall of twenty feet in height of rock or stone, laid in the best kind of lime mortar, jointed with hydraulic cement; with two entrances secured by iron gates.

SEC. 3. *Be it further enacted*, That the auditor, treasurer and secretary of state, in making said contract for the building of said wall, shall be authorized to stipulate with said contractor or con-

tractors, undertaker or undertakers, in the name and behalf of the state; and that such contractor or contractors shall have the labor, control and management of any and all state convicts in constructing said wall, for and during the term of two years, or until the said wall shall be completed; *Provided*, That the said undertaker or undertakers shall agree to clothe, feed and keep said convicts at his own expense without any recourse upon the State.

SEC. 4. *Be it further enacted*, That the auditor, treasurer and secretary of State be and they are hereby authorized to contract as aforesaid for the building of the wall around the penitentiary; *Provided*, That the amount to be contracted for to be paid by the state, shall not exceed the sum of twenty-six thousand two hundred and fifty dollars, to be paid as other appropriations, out of the state treasury.

SEC. 5. *Be it further enacted*, That the contractor or contractors, undertaker or undertakers, shall enter into bond with security to the state of Arkansas in the sum of fifty thousand dollars, for the faithful performance of the contract so entered into, and for the safe keeping of said convicts; which bond shall be drawn by the Attorney General of this state.

SEC. 6. *Be it further enacted*, That the contractor or contractors, undertaker or undertakers, for building the said wall around the penitentiary, shall not have authority to punish with stripes the convicts under his or their control or management until so authorized by one or more of the inspectors of said penitentiary.

SEC. 7. *Be it further enacted*, That the governor be, and he is hereby authorized to appoint one inspector of the work done under the contract for a wall around the penitentiary, who shall be superintendent and architect of the work which may be done by contractors under this act, and shall see that the same is done in accordance with the contract; and from time to time certify to the governor, as the work progresses, such amounts as may be due to the contractors for work performed; and the governor shall, if satisfied that such amounts should be paid, draw an order on the auditor, requiring him to issue a warrant for the amount stated in such order; and the state treasurer shall pay such warrants; and a sufficient sum to pay the amount designed in this act, be, and is hereby appropriated out of any moneys in, or which shall be in the treasury not otherwise appropriated.

SEC. 8. That the governor shall have power to remove said inspector for cause, and appoint a successor.

SEC. 9. That the inspector shall receive for his services the sum of \$300 per annum, to be paid quarterly as other officers.

SEC. 10. That the law now in force giving to the secretary of state, auditor of public accounts, and treasurer, each as inspectors, a hundred dollars, be, and the same is hereby repealed; together with all laws repugnant to this act.

SEC. 11. *Be it further enacted*, That it shall be the duty of the

governor to appoint a competent person to superintend the work of building the wall, who shall take an oath that he will faithfully discharge his duties as such superintendent; he shall receive for his services \$300 per annum, and report to the governor every two weeks the manner in which the contractors are complying with their contract.

SEC. 12. That nothing contained in this act shall authorize, or be construed so as to allow the undertakers to receive any pay for pardoned convicts.

SEC. 13. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to incorporate the Arkansas Western Railroad Company.

SECTION

1. Names certain persons to compose said corporation, together with such other persons, corporations, States, counties and cities as may subscribe stock.
3. Said road to commence at Fort Smith thence through Van Buren, Fayetteville and Bentonville, to a convenient point of the Missouri line.
4. Corporation to have perpetual succession; and possess all powers usually granted to bodies politic.
5. Capital stock \$500,000, shares \$25 each; 5 per cent. to be paid on each share at the time of subscribing; directors to fix the time of payment; no call for more than 10 per cent. at any one time, and 60 days notice to be given.
6. State and counties on the line may subscribe stock, and be entitled to representation in directory.
7. Board of directors 18 in number located at Fayetteville; a vote for each share at all elections except on the part of the State; counties stockholders, court to fix the manner of voting; Governor may appoint some one to vote on the part of the state; others in person or by proxy.
8. First election of directors at Fayetteville, under direction of commissioners, and 20 days notice; State entitled to one director for every \$50,000 of stock; State directors not to vote for other directors.
9. First election to be under direction of 3 commissioners to receive stock at Fayetteville, all other elections un-

SECTION

- der direction of 3 commissioners designated from among the stockholders; when State entitled to one or more directors, that number to cease from original directors, beginning at the one who received the lowest number of votes, but the president of the board is not to be removed on this account.
10. Election of directors annual on 3d. Monday of June; a failure to elect shall not dissolve board; all elections shall be held at the domicile of the company in Fayetteville after the first, and 15 days notice thereof.
11. Names, commissioners to receive subscriptions at Fort Smith, Van Buren, Fayetteville and Bentonville.
12. Commissioners may appoint agents in other places to receive subscriptions; as soon as \$50,000 are subscribed, lists to close temporarily; lists of subscriptions to be recorded in Recorder's office at Fayetteville.
13. Board of directors to elect one of their body as president, after the election of first board, lists to be again opened for 4 months under direction of said board; if the amount then subscribed shall exceed the capital required, meeting of stockholders and directors to determine its acceptance.
14. Defines the manner of making survey of said road and when \$100,000 are subscribed, directory to determine point of commencing said road.
15. Until organization of first board of

SECTION

- directors, the persons named in sec. 2, to constitute a board of directors, to secure survey of the line, procure right of way, for which the company shall pay the incidental expenses.
16. Any subscriber failing to pay installment when required, amount due to bear 10 per cent interest; after 30 days notice, directors may sell his stock at his risk, and recover deficit by suit; no stockholder to vote while in default.
 17. Meetings of stockholders to be composed of persons, corporations, or their agents, holding more than half the stock subscribed, to make valid their actions, unless for increasing or diminishing capital stock, then three-fourths of the stock to be represented.
 18. President and directors to manage and direct in every respect, for the company, ways and means, for erection and construction, of said road; and to exercise a general supervisory control over every matter whether in money, grants, gifts, labor, from general government, State or individuals; to borrow money limited to \$50,000; to procure proper books for the use of the company; to issue certificates of stock, and do whatever else they deem necessary for the construction and maintainance of said road.
 19. Vacancy in board of directory filled by vote of remaining directory.
 20. Limitation as to amount of money board may borrow, does not apply to the equipment of road.
 21. Annual meeting of stockholders to be on last Monday in June, to receive report of operation, &c.

SECTION

22. Transfer of stock not to release transferror from paying installments, until fifty per cent of his shares are paid.
23. Any one taxed on his subscriptions, may within 30 days, but not afterwards, reduce his shares by an amount equal to such tax.
24. No stockholder liable for losses of said company to an extent beyond the stock taken by him.
25. Notice served on non-resident stockholders by advertisement in newspaper at Van Buren.
26. Said company shall take proper precaution to secure a safe passage along or across any highway, street or wharf, or navigable stream where road shall pass; when any one owns land on both sides of road, company shall if required, provide adequate means for crossing said road.
27. President and directors to fix salaries of all officers and agents, but no director shall receive compensation as such.
28. Subscriptions may be received in labor or materials, bond and security being taken for faithful performance of contracts; no officer, agent or servant of the company shall become a contractor.
29. At expiration of charter 3 commissioners to be elected to conduct company's business to final liquidation; if a majority of stockholders shall desire to renew charter, those desenting shall transfer to them their stock, at fair valuation.
30. Charter to continue 99 years.
31. This act in force from and after its passage.

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the said corporation shall be composed of David Walker, James Sutton, James H. Stirman, Charles W. Dean, Thomas J. Pollard, A. M. Wilson, J. P. Neal, A. B. Greenwood, John Smith, A. W. Dinsmore, Samuel Woods, John Drennen, P. Pennywit, John Henry, A. Wallace, Henry Wilcox, John Rogers, W. B. Sutton, Charles B. Johnson, Samuel M. Rutherford, Mitchell Sparks, and of such other persons, corporations, states, counties and cities, as may subscribe to stock in said company, and comply with the provisions contained in this act, and also, with the by-laws, rules and regulations of said company, and the general law of the land respecting the same.

SEC. 3. That said corporation is established for the purpose of constructing, working and maintaining, a railroad from Fort Smith

by the way of the city of Van Buren, thence to such point on the Missouri line by way of Fayetteville and Bentonville, as shall be deemed most favorable for continuing this communication through northwestern Arkansas, by such road or roads as shall there be constructed.

SEC. 4. The corporation hereby created, by its corporate name and style aforesaid, shall have perpetual succession, and be empowered and entitled to sue and be sued, plead and be impleaded, grant and take by grant, contract or release, purchase and hold lands and chattels, and have a common seal, with the power of alteration, and all other such ordinary and necessary powers, liberties, franchises, privileges and incidents of bodies politic and corporate as under this act and the general law of the land it may legally take, obtain, hold, possess and enjoy.

SEC. 5. The capital stock of the company, is fixed at five hundred thousand dollars, divided into twenty thousand shares of twenty-five dollars each, a payment of five per cent. on the amount of each share shall be made at the time of subscribing, the subsequent payments shall be made in such sums and at such periods as shall be fixed by the board of directors; *Provided*, That no call shall be made, for more than ten per cent. at any one time, and that sixty days notice of each call, shall be given by publication in three newspapers, one in the town of Fayetteville, and the cities of Van Buren and Fort Smith, respectively, or by written or printed notices delivered to each stockholder, or sent to his nearest post office.

SEC. 6. The State of Arkansas and the several counties upon the line of this road or elsewhere in the state, may become stockholders in said company by subscribing for stock therein, and in the event that any or either of them do so, they shall be represented in the directory in the manner hereinafter provided.

SEC. 7. The business of the corporation shall be conducted at its domicil in the town of Fayetteville, by a board composed of eighteen directors, who shall be stockholders; a quorum shall consist of at least seven directors; at all elections by the stockholders and all their meetings, each share shall be entitled to one vote, with the exceptions as to the election for directors of the state as herein-after mentioned; voters may vote in person or by proxy; counties becoming stockholders, shall vote by such person or officer as shall be designated by the county court, by order upon its record; the state shall vote by such person or officer as shall be designated by the Governor or by law, if any law on that subject be enacted; other votes may be given in person or by proxy, and after the first year all shares of stock must be owned or possessed by the voter in his own right or by his principal, three months before they are voted on; the president of the company is the officer designated as the one on whom legal service of all processes or citations, writs or notices, against or to the company may be made, and the

company agrees to be bound by such service, whether made on the president in person, or left in writing to his address at the office of the company, in the hands of any of its officers.

SEC. 8. The first board of directors shall be chosen, or chosen and appointed, as soon as the first lists of subscription shall be closed; the election for the first board shall be held at the court-house of the circuit court of Washington county, at such time as shall be designated by the commissioners charged with receiving subscriptions at Fayetteville, hereinafter named; notice shall be given of such election by publication made twenty days previous, in two newspapers published in Van Buren and Fort Smith; in case the state shall not at the time of such election have subscribed for any stocks, eighteen directors shall be elected, but if then she shall have subscribed for stock, or whenever she shall afterwards do so, she shall be entitled to one director if she subscribe fifty thousand dollars, to two, if she subscribe one hundred thousand dollars, to three, if she subscribe one hundred and fifty thousand dollars, to four, if she subscribe two hundred thousand dollars, to five, if she subscribe two hundred and fifty thousand dollars, and to six, if she subscribe three hundred thousand dollars or more, to be selected and appointed by the Governor, so as to commence their term of service at the same time with the other directors elected by the stockholders at the first regular election after such stock is taken by the state, and whenever stock shall be so subscribed for by the state, and directors appointed or selected by the Governor, or in such other way as by law she provides, prior to any general election, the stockholders shall thereafter elect only so many directors as will make, with those appointed or selected by the state, the number of eighteen; the state shall have no vote in the election of such other directors, but in all other votes, and at all meetings of the stockholders, she shall have one vote for every share of stock subscribed by her, to be cast in such manner and by such officer or officers, person or persons, as she shall by law direct.

SEC. 9. The first election shall be held under the superintendence of three of the commissioners to receive subscriptions for stock at Fayetteville; all subsequent elections, under the superintendence of three commissioners to be appointed from amongst the stockholders, by the board of directors for the time being; the first board of directors shall hold their office until the first Monday of July, in the year 1854, unless before that time the state shall subscribe for stock, in which case she shall immediately appoint the number of directors to which she may be entitled, and thereupon the same number of directors previously elected shall cease to be directors: first, the one who received the lowest number of votes, then the next lowest, and so upwards, and if it occur that two directors, or more, received the same number of votes, one or more of whom must go out, the matter shall be decided by lot, and the directors so appointed by the state, with the residue of those elec-

ted. shall constitute the board for the residue of the term ; *Provided*, That in no event shall the president be displaced or cease to be president, or director, by the incoming of such appointed directors, no matter what was his vote for director.

SEC. 10. The election for directors shall be annual, and each board, subsequent to the first, shall be elected on the third Monday of June ; a failure to elect or appoint directors shall not dissolve the corporation, but the board in office shall continue the exercise of its functions until a new board can be elected, or elected and appointed ; all notices of elections and of meetings of stockholders after the first election above provided for, shall be given by publication, fifteen days in advance, in three newspapers, one in Fayetteville, one in Van Buren and one in Fort Smith, if any be there published, and all elections, including the first, shall be held at the domicil of the company at Fayetteville, and at such place there, and between such hours as shall be fixed by the authority ordering the notice, and stated in the notice.

SEC. 11. The following persons are hereby appointed commissioners for the purpose of receiving subscriptions to the stock of said corporation, viz : from the city of Fort Smith, Chas. B. Johnson, S. L. Griffith, John F. Wheeler, Joseph Bennett, R. S. Pulliam, S. F. Clark and F. Canady ; from the city of Van Buren, P. H. White, E. B. Bishop, Joseph P. Marean, A. J. Ward, Charles G. Scott and D. C. Chilton ; from Fayetteville, Joseph L. Dickson, P. R. Smith, William R. Quarles, W. L. Wilson and L. B. Cunningham ; from Bentonville, J. T. Craig, J. H. Hobbs, James A. Dickson, C. D. Taliaferro, C. C. Waters and John Gilbreath.

SEC. 12. The said commissioners shall have power to appoint deputies or agents in other places for receiving subscriptions ; three shall form a quorum to do business in Fayetteville, Bentonville, Van Buren and Fort Smith ; the lists for subscription shall be temporarily closed as soon as fifty thousand dollars is subscribed ; notice of opening them shall be given in one newspaper published, if there be any, in each place where they are to be opened ; all subscription lists shall be returned to Fayetteville, and there be registered in the office of the recorder of deeds and mortgages, of the county of Washington, and otherwise disposed of as may be required by law.

SEC. 13. The directors shall elect one of their body as president of the company at their first meeting after the election, and each subsequent board shall elect one of themselves president at the first meeting held by such board ; the president shall vote only when there is a tie, and in elections, and when the ayes and noes are called ; immediately after the election of the first board of directors, subscription lists shall again be opened for a term of four months, in the State of Arkansas and elsewhere, as the said board of directors may deem advisable, and public notice shall be given thereof, in a newspaper published (if there be any) at each place

where subscription books are opened, and the same commissioners may act, or the board may appoint agents for receiving the subscriptions; at the end of the said four months, if the amount of the subscriptions shall exceed the capital required, a meeting of stockholders and subscribers shall be held to determine whether the capital shall be increased to the whole amount of subscription, which if they do determine, may be done; but if the capital be not increased, then the number of shares of stock subscribed after the election of the first directory, except those taken by the state or counties, shall be reduced by deductions from the largest subscriptions, so as not to diminish the number of shares of any subscriber whilst another (except said subscribers prior to the election of directors, and except the state and counties,) remains with a larger number of shares; if there still be a deficiency in the amount of capital subscribed, the said subscription books may be re-opened and closed from time to time, till the whole capital shall have been subscribed.

SEC. 14. A survey of the whole road shall be made as soon as the board of directors is elected, and the route through its whole extent shall be definitely fixed, determined and marked, whenever the sum of one hundred thousand dollars is subscribed, with grants of land to be obtained from the general or state government; the construction of said road shall be commenced at such point or points as the directory shall determine.

SEC. 15. Until the first board of directors is organized, the persons hereinabove, in section two specially named, shall for all purposes of organization and other preliminary purposes, constitute a board of directors, with authority to procure at the cost of the company, a preliminary examination and reconnaissance of the routes between Fort Smith and the Missouri line; and it shall be their special duty to procure from persons on the whole line of the road relinquishments to the company of the right of way, to which end, the company shall pay for all incidental expenses of reconnoissance, printing and advertising incurred by them, and authority is hereby given them to employ and pay, all necessary agents to obtain such relinquishments, and do any thing necessary to the organization of the company.

SEC. 16. In case of failure on the part of any subscriber to pay installment on his stock, when, and as required, the amount due shall bear interest at the rate of ten per cent. per annum, from the time it falls due; the board of directors shall have the option after thirty days written notice to the defaulter, to forfeit his stock, and sell it at auction for the benefit and at the risk of the said stockholder, and sue him for any deficit afterwards remaining, or compel by suit the payment of such installment; and no stockholder shall be permitted to vote personally, or by proxy for himself, or as proxy for another, while in default.

SEC. 17. All meetings of stockholders shall be composed of persons or corporations, or the agents of persons or corporations, hol-

ding in the aggregate, more than one half of the stock of the company taken and subscribed for, in order to make valid and binding their action in the premises, except meetings called for the purpose of increasing or diminishing the capital stock of the company, at which three fourths of the stock shall be represented; when it is required only that more than one-half of the stock shall be represented, and such is not the case, the meeting shall be adjourned for one week, and at such adjourned meeting, the majority of the stock present and represented, shall bind the company in the same manner as if a majority of all the stock were present and represented.

SEC. 18. The President and directors of said corporation shall have power to do every thing necessary for the construction, repair and maintainance of the railroad hereinbefore described, with as many tracks as they may deem necessary; to fix and determine the line of the road, and the depots that may be necessary; to make and construct, or procure to be made and constructed all works and erections whatever for the purpose and complete working of said road; to construct all bridges over navigable and other rivers, streams and slues; to decide whether the crossing thereof shall be by bridge or steam ferry; to prescribe the width and length of such bridges, and the size of the proper draws for the passage of vessels when over navigable streams; to contract specially for work, labor or materials to be furnished to the company, and agree whether the whole or any part thereof shall be payable in the capital stock of the company; to hire or purchase hands and laborers; to appoint a secretary, treasurer, superintendent, engineers, solicitor and other officers or servants, necessary or proper for the faithful performance of any duty necessary to the construction and proper maintainance of said railroad; to receive from the state or general government a grant of land, or become the agents of either to dispose of lands granted, and with the same, or the aid of the same, to procure the road to be built; to make all contracts necessary thereto, and all contracts for the furnishing of iron, or other necessary equipment or supplies of the road, on such terms and credit as they think proper, including all locomotives, engines, cars, vehicles, teams and other equipments, deemed by them necessary or useful to the purposes of the company; to borrow money for, and on account of said road, in any sum not to exceed fifty thousand dollars, unless authorised by a vote of two-thirds of the stockholders exclusive of the state; to exceed that sum, and to mortgage said road and its appurtenances to secure the same; to mortgage said road or hypothecate its receipts, to pay persons who take contracts for building the same, when said road or any portion thereof is finished; to fix the rate of toll for passengers and merchandise; to fix a telegraph wire along said road, and regulate the fees for messages sent; to make all by-laws, rules and regulations deemed necessary or convenient for the proper, safe and regular transaction of the business of the company, such rules, by-laws and regulations, being subject

to repeal, change, amendment, or modification by the stockholders at their meetings, or by said president and directors in the intervals; to accept donations in land or money, or such materials and labor as may be useful to the company; to accept relinquishments of right of way, or purchase releases of the same, and to that end, to submit questions of compensation to the proper tribunals or to arbitration, or to settle the same themselves by way of compromise, or delegate the power to do so; to declare semi-annually the dividends arising from the working of the road, or any section or sections of it, after payment of all necessary expenses, which dividends shall be declared and payable within the last fifteen days of the months of May and November, in each year; they shall make a report in full detail to the stockholders upon the first day of June and December in each year, of the working of the road, and its expenses and profits, as also a detailed statement of all contracts during the process of constructing the road and its bridges, with an account of the progress made; they shall cause to be kept a regular set of books in which shall be entered, in the regular order of their several dates all business or other transactions of the company, which book shall always be open to the inspection of any stockholder, at the office of the company during the business hours of the day; they shall keep a stock book, and certificates of stock shall be issued to the stockholders, and no transfer of stock shall be binding on the company until made on its stock book; and they shall call a meeting of the stockholders on the written requisition of stockholders representing one fifth of the stock of the company, or on the requisition of the proper authority representing the state, if she becomes a stockholder.

SEC. 19. Any vacancy in the board of directory occurring during the year may be filled by a vote of such of the directors as hold their offices by election.

SEC. 20. The limitations, as to the amount which the board of directors may borrow, does not apply to contracts upon credit for the furnishing of iron, equipments, other necessary supplies or labor, or to a contract for the construction of the whole road, or a section thereof.

SEC. 21. A stated annual meeting of the stockholders shall be held on the last Monday of June, in each year, to receive the report of the last year's operations and business, and for examination into the condition of the company's affairs, before which meeting the annual statement shall be laid.

SEC. 22. No transfer of stock shall exempt the transferrer from the obligation of paying installments afterwards called for, until in the whole fifty per cent on each his share shall have been paid.

SEC. 23. If any subscriber shall be taxed, by virtue of any law or ordinance, for the payment of subscriptions to the company, he shall have the right of reducing the number of his shares by an amount equal to that of the tax so imposed, but this right must be

exercised within thirty days from the time of payment of such tax, after which time it shall not be allowed.

SEC. 24. No stockholder in this company shall be, in any event, responsible for losses of the company to any greater amount or extent in the whole, than the amount of stock subscribed for, and taken by him.

SEC. 25. Any notices required by this charter or the by-laws to be served on stockholders, may be served on non-residents by one advertisement in a newspaper at Van Buren the proper length of time required for service of such notice prior to the action or proceeding to be based thereon.

SEC. 26. If the said road be any where built along, or across any state or county public road, or the streets, or wharves of any town or city, the said company shall keep good and sufficient causeways, or other adequate facilities for crossing the same; and the said railroad shall not be so constructed as to prevent the public from using any road, street, or highway, along or across which it may pass; when said railroad shall be carried across any navigable stream, a bridge shall be erected of sufficient height, or a suitable draw-bridge constructed, so that in no case shall the free navigation of such stream be obstructed; when any person shall own land on both sides of said railroad, said company shall, when required to do so, make and keep in good repair one causeway, or other adequate means of crossing the same.

SEC. 27. The president and directors may fix the salaries of the president, secretary, treasurer and all other officers, agents and servants of said company, and take security from them when expedient; but no director shall receive any compensation for his services as director.

SEC. 28. The president and directors may, if they consider it expedient, receive subscription for stock, payable in labor, or materials in and for the road to be done or finished, under the superintendence of the directors of said company, or officers appointed by them; bond being taken to the company, with security for the faithful performance of the work, or furnishing of the materials. No director, treasurer, engineer, clerk, servant, or other officer of the company shall be an undertaker or contractor, of, or for any work on said road.

SEC. 29. At the expiration of this charter, or whenever the dissolution of the corporation shall render its liquidation necessary, three commissioners shall be elected by the stockholders, whose duty it shall be to take possession of the property of the company, and conduct its business to final liquidation, on such terms and in such manner as shall be determined by the meeting of the stockholders whereat they are elected, which meeting shall be regularly convened for that purpose; and if at the expiration of the present charter a majority of the stockholders, in number and amount, shall desire to renew the same for a further term, the stockholders dis-

senting from such renewal shall be bound to transfer their stock to those desiring the renewal at its fair value, to be fixed by appraisers mutually chosen for that purpose.

SEC. 30. This charter shall continue for the term of ninety-nine years, at the end whereof, all the corporate privileges hereby granted shall cease and determine.

SEC. 31. This act shall take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to dispose of the Sixteenth Sections of Land in the county of Searcy.

SECTION

1. County court may order sheriff to sell sec. 16, in any township, when satisfied such is the desire of a majority of the citizens.
2. Sheriff to advertise said sale, by putting up one advertisement at the county seat, and three in the township; provided, he shall first ascertain by a vote of said township, the quantity, terms, and mode of sale.
3. A majority of the citizens of any township may vest, or lease any part of their section 16, for a term not over 4 years
4. By vote of majority of householders, owners of improvements may purchase at \$1,25 per acre, and 10 per cent. interest for 10 years, paid semi-annually; but no deed in fee simple, until last payment is made.
5. Interest on amount paid by lessor, to be paid in to county treasurer; treasurer shall give duplicate receipts for same, one to be filed with the clerk; sheriff shall return to clerk poll books and all particulars of said sale.

SECTION

6. Interest in improvement disqualifies voter.
7. Purchaser to perfect his title after sheriff makes his return to clerk; notes executed; purchaser to have certificate of such sale, and upon full pay, may demand a title in fee simple; nothing herein to prevent a transfer of said certificate.
8. Expenses of sale paid by purchaser.
9. Sheriff or clerk, guilty of neglect of duty, may be fined in any sum fixed by county court; and if by neglect they diminish school fund, double the amount so lost shall be recovered.
10. County court to sell school books of said county, and the money applied as other common school funds; county court to divide interest annually among the townships.
11. County court to take sufficient security from treasurer for safety of funds.
12. This act to take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That whenever the county court of Searcy county shall be satisfied that a majority of the citizens of any congressional township in which there shall be at least six citizens, householders, and fifteen white children between the ages of five and twenty-one years, are desirous of selling the sixteenth section donated to such township for the use of schools, said court shall make an order directing the sheriff of said county to advertise and sell the same according to the instructions of a majority of the citizen householders of such township, and in the manner herein set forth.

SEC. 2. *Be it further enacted,* That when the order of sale, provided for in the first section of this act, shall be made, the sheriff shall immediately thereafter give notice of the time and place of said sale, by putting up one advertisement at the county seat of said county, and three advertisements in the township in which is situate the sixteenth section proposed to be sold, at least twenty days before the time of sale, describing the land, the terms, and place of sale; *Provided,* That before said sheriff shall make said sale, he shall ascertain by the vote of such township taken by said sheriff, on a day by him to be fixed, after due notice thereof shall be given by him in said township, the quantity of land, the terms, and mode of sale thereof, whether in forty acre tracts or otherwise; and for this purpose, he shall provide and furnish poll-books, with proper captions on the day of taking the vote as hereinbefore provided.

SEC. 3. *Be it further enacted,* That if a majority of the citizens in any township of said county, shall agree to improve any part of their sixteenth section by leasing or renting out the same for a term not exceeding four years, they shall have the power to do so.

SEC. 4. *Be it further enacted,* That when a majority of the citizen householders in each township of said county shall declare by a vote, to be taken in the manner prescribed in the second section of this act, that they desire to sell to owners of improvements made on said sections prior to the passage of this act, they may do so by sale of forty acre tracts, or larger subdivisions of said sections for a sum not less than one dollar and twenty-five cents per acre, to be paid in ten years, with interest at the rate of ten per cent. per annum, semi-annually, in advance; *Provided,* That no conveyance in fee simple shall be made, until the last payment shall be made.

SEC. 5. *Be it further enacted,* That the amount of the interest to be paid by the purchaser, or the amount paid by the lessor of said lands, shall be paid over to the county treasurer of said county, to be kept by him as other school funds, and subject to like uses under the order of the county court of said county; the treasurer shall give to the purchaser duplicate receipts for all amounts paid over by him, one of which shall be filed with the clerk of said county. Said clerk shall keep a well bound book in which he shall register all such receipts, and record all transactions had in reference to the sale of said lands, and to enable the clerk so to do, it shall be the duty of the sheriff to return the poll books of each township employed to ascertain the wish of the people of each township, together with all the particulars of said sale, showing the purchase, the land sold, the price, and the terms.

SEC. 6. *Be it further enacted,* That no person shall vote upon the proposition to sell said lands to the owner of any improvement thereon, who shall be in any way interested therein.

SEC. 7. *Be it further enacted,* That when it shall be decided, as provided in this act, that the owners of improvements may pur-

chase said land at a price agreed on by a majority of the inhabitants of the township, the purchaser shall perfect such purchase after the sheriff shall make his return to the clerk's office; upon the execution of notes as hereinbefore provided, the clerk shall give to each purchaser a certificate of such sale, describing the land, and setting forth the particulars of such sale, which certificate shall be a sufficient guarantee thereof, and which shall authorize said purchaser to demand and receive a fee simple title to such land as he may have purchased, upon the full payment of the amount of the purchase money; *Provided*, That nothing herein contained shall prevent the transfer of said certificate, together with all the benefits arising thereon, which shall inure to the transferee thereof.

SEC. 8. *Be it further enacted*, That all the expenses arising from the sale of said lands, shall be paid by the purchaser thereof, and the county court shall determine the compensation of the sheriff and clerk for services rendered in, and about the sale of said lands.

SEC. 9. *Be it further enacted*, That if the clerk or sheriff shall be guilty of neglect of any of the duties required of them by this act, they shall be deemed guilty of a misdemeanor, and be fined in any sum to be fixed by the court having jurisdiction of the offence; and if said clerk or sheriff shall, by neglect of duty, contribute towards the diminution of the school fund of said county, double the amount so lost, shall be recovered by an action on their official bonds respectively.

SEC. 10. *Be it further enacted*, That the county court of the county of Searcy be, and it is hereby authorized to make an order to sell the school books of said county, distributed to the several counties of this state by an act of the legislature of the session of 1842 and '43; *Provided*, That said books shall not sell at a price less than that fixed by the auditor of the state; and the money arising from said sale shall be applied as the other common school funds, and the county court of Searcy county shall, at their July term, annually, make an order dividing the interest arising from the school funds among the different townships, agreeably to the amount that each township has upon interest, in strict accordance with the compact between the United States and this state, and the treasurer is hereby required, under such orders, to pay the amount so specified and set forth in such orders; but, under no circumstances shall any part of the principal of said fund be used for any purpose whatever, nor shall an order be made to pay the interest to any township until said township shall have elected three trustees as provided for in chapter one hundred and forty-five, and sections five and nine, of English's digest.

SEC. 11. *Be it further enacted*, That the county court aforesaid, shall particularly guard the school funds of the county, and take such bonds and securities from the treasurer as to make the same perfectly safe; and it is hereby declared that the treasurer

shall be liable upon his official bond for the school fund of said county.

SEC. 12. *Be it further enacted*, That this act take effect from its passage.

Approved 10th January, 1853.

An act to provide for assessing and taxing Reclaimed Swamp and Overflowed Lands.

SECTION

1. Swamp or overflowed lands protected by levees or reclaimed, and sold, to be assessed for taxation.

SECTION

2. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall be the duty of the assessor of taxes for each county in this state, diligently to enquire and ascertain what lands sold as swamp and overflowed lands under the provisions of an act entitled "an act to provide for the reclaiming of the swamp and overflowed lands donated to this state by the United States, approved January 6th, 1851," confirmed by the general government to the state of Arkansas, have been protected from overflow by levees, or are, or have been, by other means reclaimed; and to assess the same for taxation.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act for the benefit of Jurors in Lafayette, Arkansas, Jefferson, Calhoun and Ouachita counties.

SECTION

1. County court to fix compensation of grand jurors at not less than \$1,50, nor more than \$2 per day in the

SECTION

counties named; provisions of this act respects only the regular panel.

2. This act in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county courts of the counties of Lafayette, Arkansas, Jefferson, Calhoun and Ouachita, be, and they[are] authorized and required to fix the compensation of grand and petit jurors that may be summoned by order of said courts, or otherwise, at not less than one dollar and fifty cents, nor more than two dollars per day; *Provided*, That nothing in this act shall be so construed

as to authorize said courts to make any order only in respect to the regular panel that may serve at each circuit court.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to incorporate the Arkansas Central Railroad Company.

SECTION

1. Corporation styled, the Arkansas Central Railroad company.
2. Names certain persons to compose said corporation, together with such other persons, corporations, States, counties and cities as may subscribe stock.
3. To commence on western bank of Mississippi river opposite Memphis, thence to Little Rock, thence to or near Fulton, on Red river, to some point on Texas boundary line.
4. Said road to serve as a main trunk for a continuous line between the points indicated, and as an integral portion of the National Atlantic and Pacific rail road.
5. Corporation to have perpetual succession; and possess all powers usually granted to bodies politic.
6. Capital stock \$3,000,000, shares \$25 each; 5 per cent. to be paid on each share at the time of subscribing; directors to fix the time of payment; no call for more than 10 per cent. at any one time, and 60 days notice to be given.
7. State and counties on the line may subscribe stock, and be entitled to representation in directory.
8. Directory shall consist of 18 stockholders to hold meetings at Little Rock until otherwise directed; a vote for each share at all elections, except election for state directors; counties stockholders, court to fix the manner of voting; Governor may appoint some one to vote on the part of the state; others in person or by proxy; all legal service to be made to the president of the company.
9. First board of directors chosen, as soon as \$100,000 are subscribed, election to be held at the circuit court house of Pulaski county; 18 directors shall be elected; state entitled to one director for \$200,000, 10

SECTION

- two for \$300,000. to three for \$500,000, etc., of stock; to be appointed by the governor, and when the state subscribes stock, the stockholders to elect such number of directors as will make with those of the state 18; the state to have no vote for other directors, but in all things else, a vote for each share.
10. First election to be under direction of 3 commissioners to receive stock at Little Rock, all other elections under direction of 3 commissioners designated from among the stockholders; when State entitled to one or more directors, that number to cease from original directors, beginning at the one who received the lowest number of votes, but the president of the board is not to be removed on this account.
11. Election for directors annual, notices of election and meeting of stockholders, after the first, shall be by publication 15 days before, in a newspaper at Little Rock, and at Washington; all elections to be at the domicile of the company.
12. Names, commissioners to receive subscriptions at Little Rock, Memphis, and counties contiguous to Red river.
13. Commissioners may appoint agents in other places to receive subscriptions; as soon as \$100,000 are subscribed, lists to close temporarily; lists of subscriptions to be recorded in Recorder's office at Little Rock.
14. Board of directors to elect one of their body as president, after the election of first board, lists to be again opened for 4 months under direction of said board; if the amount then subscribed shall exceed the capital required, meeting of stockholders and directors to determine its acceptance; if the capital is not increased, the number of

SECTION

- shares subscribed after election of first directory, except those taken by the state or counties, shall be reduced by deductions from largest subscription, but not to diminish number of shares of any subscriber. If still a deficiency, books may re-open and close from time to time, till the whole is subscribed.
15. Road to be divided into two sections; subscriptions shall be for sections; a survey of first section shall be made as soon as board of directors are elected; and the second section as soon as \$50,000 additional stock shall be subscribed; dividends to be paid only on funds that entered in completion of section finished; when both sections completed, they shall be consolidated.
 16. Until organization of first board of directors, the persons named in sec. 2, to constitute a board of directors, to secure survey of the line, procure right of way, for which the company shall pay the incidental expenses.
 17. Any subscriber failing to pay installment when required, amount due to bear 10 per cent. interest; after 30 days notice, directors may sell his stock at his risk, and recover deficit by suit; no stockholder to vote while in default.
 18. Meetings of stockholders to be composed of persons, corporations, or their agents, holding more than half the stock subscribed, to make valid their actions, unless for increasing or diminishing capital stock, then three-fourths of the stock to be represented.
 19. President and directors to manage and direct in every respect, for the company, ways and means for erection and construction of said road; and to exercise a general supervisory control over every matter whether in money, grants, gifts, labor, from general government, State or individuals; to borrow money limited to \$50,000; to procure proper books for the use of the company; to issue certificates of stock, and do whatever else they deem necessary for the construction and maintainance of said road.
 20. Vacancy in board of directory filled by vote of directory, holding office by election.
 21. Limitation as to amount of money board may borrow, does not apply to the equipment of road.

SECTION

22. Annual meeting of stockholders to receive report of operation, and examine into condition of company's affairs, &c.
23. Transfer of stock not to release transferror from paying installments, until such transfer be accepted and entered on book.
24. Any one taxed on his subscriptions, may within 30 days, but not afterwards, reduce his shares by an amount equal to such tax.
25. Board of directors have power of making arrangements for the connection of any branch road with said Arkansas central railroad, and with the national government or individuals, with regard to making said road a part of the main trunk of the Atlantic and Pacific railroad.
26. Subscriptions filed with secretary of State in July, 1852, considered as subscription to the company hereby created.
27. No stockholder liable for losses of said company to an extent beyond the stock taken by him.
28. Notice served on non-resident stockholders by advertisement in newspapers at Little Rock and Memphis.
29. At general meeting for that purpose, stockholders may modify this charter; provided, three-fourths of the stockholders agree thereto, and the next general assembly agree thereto.
30. Said company shall take proper precaution to secure a safe passage along or across any highway, street or wharf, or navigable stream where road shall pass; when any one owns land on both sides of road, company shall if required, provide adequate means for crossing said road.
31. President and directors to fix salaries of all officers and agents, but no director shall receive compensation as such.
32. Subscriptions may be received in labor or materials, bond and security being taken for faithful performance of contracts; no officer, agent or servant of the company shall become a contractor.
33. At expiration of charter 3 commissioners to be elected to conduct company's business to final liquidation; if a majority of stockholders shall desire to renew charter, those dissenting shall transfer to them their stock, at fair valuation.

SECTION

34. President and directors invested with all the rights and powers necessary for the survey location, complete construction, alteration, maintaining, etc., of the two sections designated, and to do all things necessary for completing, maintaining and preserving, and complete operation of said road.
35. In the construction of said road through the swamp and overflowed

SECTION

- lands, the embankments of the road should be deemed a sufficient reclamation by board of swamp land commissioners, they shall estimate the value, and pay for the same at the rates governing them in ordinary cases; provided, the amount shall be in accordance with the amount of lands reclaimed.
36. Charter to continue 99 years.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the said corporation shall be called "The Arkansas Central Railroad Company."

SEC. 2. The said corporation shall be composed of Thomas W. Newton, John Adamson, Albert Pike, Wm. E. Ashley, Luther Chase, James B. Keatts, Frederick W. Trapnall, Absalom Fowler, George C. Watkins, Charles B. Mitchell, T. H. W. Maddux, William E. Woodruff, George Brodie, Henry K. Brown, James A. Henry, Mark W. Izard, and Thomas M. Collins; and of such other persons, corporations, states, counties and cities, as may subscribe to stock in said company, and comply with the provisions contained in this act, and also with the by-laws, rules and regulations of said company, and the general law of the land respecting the same.

SEC. 3. The said corporation is established for the purpose of constructing, working, and maintaining a railroad from a point on the western bank of the Mississippi river opposite the city of Memphis, in the state of Tennessee, by some proper and convenient point on White river, to the city of Little Rock, in the state of Arkansas, and thence by or near the town of Fulton, on Red river, in the state of Arkansas, to such point on the boundary line between the states of Arkansas and Texas, as shall be deemed most favorable for continuing this communication through north-western Texas, by such road or roads as shall there be constructed.

SEC. 4. The said railroad shall be built on such a scale as to serve for the main trunk of a continuous line of communication between the points above indicated, and for an integral portion of the main trunk, or a southern branch of the national Atlantic and Pacific railroad; and of a gauge not less or narrower than that of the great eastern roads having their western termini at Memphis.

SEC. 5. The corporation hereby created, by its corporate name and style aforesaid, shall have perpetual succession, and to be empowered and entitled to sue and be sued, plead and be impleaded, grant and take by grant, contract or release, purchase and hold lands and chattles, and have a common seal, with the power of a motion, and all other such ordinary and necessary powers, liberties, franchises, privileges and incidents, of bodies politic and corporate, as under this act and the general law of the land, it may legally take, obtain, hold, possess and enjoy.

SEC. 6. The capital stock of the company is fixed at three millions of dollars, which may be increased at the pleasure of the company, when, in their judgment, it is deemed necessary; divided into one hundred and twenty thousand shares, of twenty-five dollars each. A payment of five per cent. on the amount of each share, shall be made at the time of subscribing. The subsequent payments shall be made in such sums, and at such periods, as shall be fixed by the board of directors; *Provided*, That no call shall be made for more than ten per cent. at any one time, and that sixty days' notice of each call shall be given by publication in two newspapers in the city of Little Rock, one in Memphis, and one in Washington, Arkansas, or by written or printed notice delivered to each stockholder, or sent to his nearest post office, and not more than three calls shall be made in any one year.

SEC. 7. The state of Arkansas, and the several counties upon the line of this road, or elsewhere in the State, may become stockholders in said company by subscribing for stock therein; and, in the event that any or either of them do so, they shall be represented in the directory in the manner hereinafter provided.

SEC. 3. The directory shall consist of eighteen stockholders, who shall hold their meetings at the city of Little Rock, until otherwise directed by a majority of the directors, in all meetings, seven of whom shall be a quorum with power to do business. At all elections by the stockholders, and all their meetings, each share shall be entitled to one vote, with the exception as to the election for directors of the state, as hereinafter mentioned. Voters may vote in person or by proxy; counties, becoming stockholders, shall vote by such person, or officer, as shall be designated by the county court, by order upon its record. The state shall vote by such officer as shall be designated by the governor, or by law, if any law on the subject be enacted. Other votes may be given in person or by proxy. And after the first year, all shares of stock must be owned or possessed by the voter, in his own right, or by his principal, three months before they are voted on. The president of the company is the officer designated as the one on whom legal service of all process or citations, writs or notices against, or to the company may be made; and the company agrees to be bound by such service, whether made on the president in person, or left in writing to his address at the office of the company, in the hands of any of its officers.

SEC. 9. The first board of directors shall be chosen as soon as the sum of one hundred thousand dollars of the capital stock shall have been subscribed. The election for the first board, shall be held at the court house of the circuit court of Pulaski county, at such time as shall be designated by the commissioners charged with receiving subscriptions at Little Rock, hereinafter named. Notice shall be given of such election by publication made forty days previous, in two newspapers published in Little Rock. In case the state shall

not, at the time of such election, have subscribed for any stock, eighteen directors shall be elected: but if then she shall have subscribed for stock, or whenever she shall afterwards do so, she shall be entitled to one director, if she subscribe two hundred thousand dollars; to two, if she subscribe three hundred and fifty thousand dollars; to three, if she subscribe five hundred thousand dollars; to four, if she subscribe seven hundred thousand dollars; to five, if she subscribe eight hundred and fifty thousand dollars; and to six, if she subscribe one million of dollars, or more; to be selected and appointed by the governor, so as to commence their term of service at the same time with the other directors elected by the stockholders at the first regular election after such stock is taken by the state; and whenever stock shall be so subscribed for by the state, and directors appointed or selected by the governor, or in such other way as by law she provides, prior to any general election, the stockholders shall thereafter elect so many directors as will make, with those appointed or selected by the state, the number of eighteen. The state shall have no vote in the election of such other directors; but in all other votes, and at all meetings of the stockholders, she shall have one vote for every share of stock subscribed by her, to be cast in such manner and by such officer or officers, person or persons, as she shall by law direct.

SEC. 10. The first election shall be held under the superintendence of three commissioners, to receive subscriptions for stock at Little Rock; all subsequent elections under the superintendence of three commissioners, to be appointed from amongst the stockholders by the board of directors for the time being. The first board of directors shall hold their office for the term of one year, unless before that time the state shall subscribe for stock, in which case she may immediately appoint the number of directors to which she may be entitled, and thereupon the same number of directors previously elected shall cease to be directors, first, the one who received the lowest number of votes, then the next lowest, and so upward; and if it occur that two directors or more received the same number of votes, one or more of whom must go out, the matter shall be decided by lot; and the directors so appointed by the state, with the residue of those elected, shall constitute the board for the residue of the term; *Provided*, That in no event shall the president be displaced or cease to be president or director, by the incoming of such appointed directors, no matter what was his vote for director.

SEC. 11. The election for directors shall be annual. A failure to elect or appoint directors shall not dissolve the corporation; but the board in office shall continue the exercise of its functions until a new board can be elected, or elected and appointed. All notices of elections and of meetings of stockholders, after the first election above provided for, shall be given by publication, fifteen days in advance, in two newspapers in Little Rock, and one in Washington,

Arkansas, if any be there published. And all elections, including the first, shall be held at the domicil of the company.

SEC. 12. That the following persons are hereby appointed commissioners for the purpose of receiving subscriptions to the stock of said corporation, viz:

From the city of Little Rock and its environs: Thomas W. Newton, William E. Woodruff, Luther Chase, William E. Ashley, George C. Watkins, Absalom Fowler, Albert Pike, Thomas D. Merrick, James B. Keatts, James A. Henry, Frederick W. Trapnall, John Adamson, George Brodie, Samuel H. Hempstead and John Wassell.

From the city of Memphis, and the adjacent counties of Arkansas: Robertson Topp, John Trigg, R. C. Brinkley, M. B. Winchester, E. H. Porter, R. L. Kay, John T. Trezevant, George W. Underhill, and Thomas M. Collins.

From the counties contiguous to Red river: Charles B. Mitchell, Benjamin P. Jett, William H. Etter, Bernard F. Hempstead, Simon T. Sanders, William Wynn, James Trigg, Benjamin F. Hawkins, Harris Flanagan, Henry K. Hardy, Theodoric F. Sorrells, Nat. G. Smith, George C. Eaton, John Field, Paul R. Booker, Henry Brewer, William H. Preston, John Russey, James Coulter and Henry K. Brown.

SEC. 13. The said commissioners shall have power to appoint deputies or agents in other places, for receiving subscriptions. Three shall form a quorum to do business in Memphis, Little Rock and Washington. The lists for subscription shall be temporarily closed as soon as one hundred thousand dollars shall have been subscribed. Notice of opening them shall be given in one newspaper published, if there be any, in each place where they are to be opened. All subscription lists shall be returned to Little Rock, and there registered in the office of recorder of deeds and mortgages of the county of Pulaski; and otherwise disposed of as may be required by law.

SEC. 14. The directors shall elect one of their body as president of the company, at their first meeting after the election; and each subsequent board shall elect one of themselves president at the first meeting held by such board. The president shall vote only when there is a tie, and in elections, and when the ayes and nays are called. Immediately after the election of the first board of directors, subscription lists shall be again opened for a term of four months, in the state of Arkansas and elsewhere, as the said board of directors may deem advisable; and public notice shall be given thereof, in a newspaper published, (if there be any), at each place where subscription books are opened; and the same commissioners may act, or the board may appoint agents for receiving the subscriptions. At the end of the said four months, if the amount of the subscriptions shall exceed the capital required, a meeting of stockholders and subscri-

bers shall be held to determine whether the capital shall be increased to the whole amount of subscription; which, if they do determine, may be done. But if the capital be not so increased; then the number of shares of stock subscribed after the election of the first directory, except those taken by the state or counties, shall be reduced by reductions from the largest subscriptions, so as not to diminish the number of shares of any subscriber, whilst another (except said subscribers prior to the election of directors, and except the state and counties) remains with a larger number of shares. If there be still a deficiency in the amount of capital subscribed, the said subscription books may be re-opened, and closed from time to time, till the whole capital shall have been subscribed.

SEC. 15. The road shall be divided, for the purpose of construction, into two sections: Section No. 1, shall be constituted of the portion between Memphis and Little Rock; Section No. 2, of the portion between Little Rock and the Texas boundary line. Subscriptions for capital stock shall be for particular sections of the road. In regard to the expenses of survey, rails, equipments of the road, after the rails are laid, and all other expenses of a general character, the subscriptions shall constitute but one fund; but as to expenses of grading, bridging, and all other expenses of construction, specially applying to a particular section, the subscription to each section shall constitute independent and distinct funds until they are ready for rails to be laid. A survey of the first section of the road shall be made as soon as the board of directors is elected, and the route through its first section shall be definitely fixed, determined on and marked; and a survey of section No. 2, shall be ordered by the directory as soon as the additional sum of fifty thousand dollars capital stock shall have been subscribed thereto. When either section of the road is completed, and in operation, its dividends shall be distributed and paid upon the funds and stock only which entered into its completion and equipments: and when sections one and two are both completed, they shall, in all respects, be consolidated, and the directory is charged with the enactment of all the details by which these fundamental principles shall be carried out and executed.

SEC. 16. Until the first board of directors and company is organized, the persons hereinabove in section two specially named, shall for all purposes of organization, and other preliminary purposes, constitute a board of direction, with authority to procure, at the cost of the company, a preliminary examination and reconnoissance of the routes between Little Rock and Memphis, and Little Rock and Fulton; and it shall be their special duty to procure from persons on the whole line of the road, relinquishments to the company of the right of way; *Provided*, The same be donated to said company by the owner of the lands through which said road shall pass: to which end the company shall pay all incidental expenses of reconnoissance, printing, and advertising incurred by them; and

authority is hereby given them to employ and pay all necessary agents to obtain such relinquishments, and do any thing necessary to the organization of the company.

SEC. 17. In case of failure on the part of any subscriber to pay any installment on his stock, when, and as required, the amount due shall bear interest at the rate of ten per cent. per annum from the time it falls due; the board of directors shall have the option, after thirty days' written notice to the defaulter, to forfeit his stock, and sell it at auction for the benefit, and at the risk of said stockholder, and sue him for any deficit afterwards remaining; or to compel, by suit, the payment of such installment; and no stockholder shall be permitted to vote, personally, or by proxy for himself, or as proxy for another, while in default.

SEC. 18. All meetings of stockholders shall be composed of persons or corporations, holding, in the aggregate, more than one half of the stock of the company taken and subscribed for, in order to make valid and binding their action in the premises; except meetings called for the purpose of increasing or diminishing the capital stock of the company, at which three-fourths of the stock shall be represented. At elections, more than one-half the stock, exclusive of that taken by the state, shall be represented. When it is required only that more than one-half of the stock shall be represented, and such is not the case, the meeting shall be adjourned for one week, and at such adjourned meeting, the majority of the stock present and represented, shall bind the company in the same manner as if a majority of all the stock were present and represented.

SEC. 19. The president and directors of said corporation shall have power to do every thing necessary for the construction, repair, and maintainance of the railroad hereinbefore described, with as many tracks as they may deem necessary: to fix and determine the line of the road, and the depots that may be necessary; to make and construct, or procure to be made and constructed, all works and erections whatever for the proper and complete working of said road; to construct all bridges over navigable and other rivers, streams and slues; to decide whether the crossing thereof shall be by bridge or steam ferry; to prescribe the width and length of said bridges, and the size of the proper draws, for the passage of vessels, when over navigable streams; to contract specially for work, labor or materials to be furnished to the company, and agree whether the whole or any part thereof shall be payable in the capital stock of the company; to hire or purchase hands and laborers; to appoint a secretary, treasurer superintendent, engineers, solicitor, and other officers, or servants necessary or proper for the faithful performance of any duty necessary to the construction and proper maintainance of the said railroad; to receive from the state or general government a grant of land, or become the agents of either to dispose of lands granted, and with the same, or the aid of the same, to procure the road to be built; to make all contracts

necessary thereto, and all contracts for the furnishing of iron, or other necessary equipments or supplies of the road, on such terms and credit as they think proper, including all locomotives, engines, cars, vehicles, teams, and other equipments, deemed by them necessary or useful to the purposes of the company; to borrow money for and on account of said road, in any sum not to exceed fifty thousand dollars, unless authorized by a vote of two-thirds of the stockholders, exclusive of the state, to exceed that sum; and to mortgage said road and its appurtenances to secure the same; to mortgage said road or hypothecate its receipts, to pay persons who take contracts for building the same; when said road, or any portion thereof, is finished, to fix the rates of toll for passengers and merchandize; to fix a telegraph wire along said road, and regulate the fees for messages sent; to make all by-laws, rules and regulations, deemed necessary or convenient for the proper, safe and regular transaction of the business of the company, such rules, by-laws, and regulations being subject to repeal, change amendment, or modification, by the stockholders at their meetings, or by said president and directors in their intervals; to accept donations in land or money, or such materials and labor as may be useful to the company; to accept relinquishments of right of way, or purchase releases of the same, and to that end to submit questions of compensation to the proper tribunals, or to arbitration, or to settle the same themselves by way of compromise, or delegate the power to do so; and in all suits for damages claimed for the right of way, the actual advantage of the road to the premises shall be estimated in favor of the company in recovering the damages; to declare semi-annually the dividends arising from the working of the road, or any section or sections of it, after payment of all necessary expenses, which dividends shall be declared and payable within the last fifteen days of the months of May and November, in each year; they shall make a report in full detail to the stockholders, upon the first day of June and December, in each year, of the working of the road and its expenses and profits; as also a detailed statement of all contracts during the process of constructing the road and its bridges, with an account of the progress made; they shall cause to be kept a regular set of books, in which shall be entered in regular order of their several dates, all business or other transactions of the company, which books shall be always open to the inspection of any stockholder at the office of the company, during the business hours of the day; they shall keep a stock book, and certificates of stock shall be issued to the stockholders; and no transfer of stock shall be binding on the company until made on its stock book; and they shall call a meeting of the stockholders on the written requisition of stockholders representing one-fifth of the stock of the company, or on the requisition of the proper authority representing the state, if she becomes a stockholder.

SEC. 20. Any vacancy in the board of directors, occurring during

the year, may be filled by a vote of such of the directors as hold their offices by election.

SEC. 21. The limitation as to the amount which the board of directors may borrow, does not apply to contracts upon credit for the furnishing of iron, equipments, other necessary supplies, or labor, or to a contract for the construction of the whole road, or a section thereof.

SEC. 22. A stated and annual meeting of the stockholders shall be held in each year, to receive the report of the last year's operations and business, and for examination into the condition of the company's affairs; before which meeting the annual statement shall be laid.

SEC. 23. No transfer of stock shall exempt the transferor from the obligation of paying installments, until such transfer be accepted and noted upon the books of the directory.

SEC. 24. If any subscriber shall be taxed by virtue of any law or ordinance, for the payment of subscriptions of the company, he shall have the right of reducing the number of his shares by an amount equal to that of the tax so imposed: but this right must be exercised within thirty days from the time of payment of such tax, after which time it shall not be allowed.

SEC. 25. The board of directors shall have power of making such arrangements as they may deem proper, with any other company for the connection of any branch road with said Arkansas Central Railroad, developing the resources of north-eastern, western, north-western and south-eastern Arkansas, that may hereafter be built, or proposed to be built; and also for the connection with said road of a road towards the Pacific, or elsewhere, through north-western Texas; roads to St. Louis, Missouri, New Orleans, Louisiana, Fort Smith, Arkansas, and to Cairo Illinois. And they shall also have power to make such arrangements or contracts with the national government, or individuals or corporations, as may be necessary to the making of said road a part of the main trunk or southern branch of the Atlantic and Pacific railroad.

SEC. 26. That all subscriptions for stock, under the charter adopted and filed in the office of the secretary of state, by the fifteen persons above named, in the month of July, in the year 1852, may be taken and considered as subscriptions to the stock of the company hereby created.

SEC. 27. No stockholder in this company shall be, in any event, responsible for losses of the company to any greater amount or extent, in the whole, than the amount of stock subscribed for and taken by him.

SEC. 28. Any notice required by this charter, or the by-laws, to be served on stockholders, may be served on non-residents by three advertisements in a newspaper at Little Rock and Memphis, the proper length of time required for service of such notice, prior to the action or proceeding to be based thereon.

SEC. 29. The stockholders of said company, at a general meeting

convened for that purpose, may make any modifications to this charter not inconsistent with its general purposes and material objects, or with the act "granting corporate powers for certain purposes:" *Provided*, That such modifications shall receive the assent of the holders of three-fourths of the stock in their own right: which modifications shall be properly authenticated, and filed in the office of secretary of state, in accordance with the provisions of this act; *And provided further*, That the next General Assembly agree to the said modifications.

SEC. 30. If the said road be any where built along or across any State or county public road, or the streets or wharves of any town or city, the said company shall keep good and sufficient causeways, or other adequate facilities for crossing the same, and the said railroad shall not be so constructed as to prevent the public from using any road, street or highway, along or across which it may pass. When said railroad shall be carried across any navigable stream, a bridge shall be erected of sufficient height, or a suitable draw-bridge constructed, so that, in no case shall the free navigation of such stream be obstructed. When any person shall own land on both sides of said railroad, said company shall, when required to do so, make and keep in good repair one causeway, or other adequate means of crossing the same.

SEC. 31. The president and directors may fix the salaries of the president, secretary, treasurer, and all other officers, agents and servants of said company, and take security from them when expedient, but no director shall receive any compensation for his services as director.

SEC. 32. The president and directors may, if they consider it expedient, receive subscriptions for stock, payable in labor or materials, on or for the road, to be done or furnished under the superintendence of the directors of said company, or officers appointed by them; bond being taken to the company with security, for the faithful performance of the work, or furnishing of the materials. No director, treasurer, engineer, clerk, servant or other officer of the company, shall be an undertaker or contractor of, or for any work on said road.

SEC. 33. At the expiration of this charter, or whenever the dissolution of the corporation shall render its liquidation necessary, three commissioners shall be elected by the stockholders, whose duty it shall be to take possession of the property of the company, and conduct its business to final liquidation, on such terms and in such manner as shall be determined by the meeting of stockholders whereat they are elected, which meeting shall be regularly convened for that purpose; and if at the expiration of the present charter, a majority of the stockholders in number and amount, shall desire to renew the same for a further term, the stockholders dissenting from such renewal shall be bound to transfer their stock to

those desiring the renewal, at its fair value, to be fixed by appraisers mutually chosen for that purpose.

SEC. 34. That the president and directors shall be, and are hereby invested with all the rights and powers necessary and proper for the survey, location, complete construction, alteration, maintaining, operating, and repairing of said roads designated by sections one and two herein, not exceeding one hundred feet on either side of the length of the line thereof; and shall have the right of way upon, or may appropriate to its sole use and control, for the purposes contemplated herein, land of the width aforesaid through its entire length; may enter upon, and take possession of, and the use of all lands, streams, earth, timber, gravel, stone or other materials, of every kind, for the location of depots, and stopping stages, for the purpose of constructing bridges, embankments, excavations, station grounds, spoil banks, turnouts, engine houses, officers' shops, and other buildings necessary for the construction, completing, altering, maintaining, preserving and complete operation of said road.

SEC. 35. That if in the construction of any portion of the road through the swamp and overflowed lands, the embankments for the road should be deemed a sufficient reclamation of the swamp and overflowed lands adjacent thereto, by the board of commissioners of the swamp and overflowed lands, it shall be the duty of the said board of swamp land commissioners to examine and estimate the value of such reclamation, and pay for the same, at rates governing them as in ordinary cases, in the formation of contracts for the reclamation of swamp lands; *Provided*, That the amount paid be in strict conformity with the amount of lands reclaimed, and which shall be paid for out of the lands thus reclaimed.

SEC. 36. This charter shall continue for the term of ninety-nine years; at the end whereof, all the corporate privileges hereby granted shall cease and determine.

Approved 10th January, 1853.

An act to authorize the institution of Suits in Ejectment in certain cases.

SECTION

1. Suits in ejectment may be instituted upon patent certificates of land up-

SECTION

on New Madrid locations.

2. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That, hereafter, suits in ejectment may be instituted in the courts of this state upon patent certificates issued by the Recorder of land titles for Missouri Territory, upon New Madrid locations, and maintained against defendants not having a better title.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to increase the compensation of the Land Attorney and State Collector.

SECTION

1. Attorney and collector allowed 5 per cent. on all moneys collected.

SECTION

2. All laws in conflict with this act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the land attorney and state collector, shall be allowed the sum of five per cent. on all moneys collected on account of the 500,000 acres, or seminary funds.

SEC. 2. *Be it further enacted*, That all laws in conflict with this act be, and the same are hereby repealed.

Approved 10th January, 1853.

An act to prevent persons from selling spirituous liquors to Slaves, and for other purposes.

SECTION

1. Prohibits the sale of ardent spirits to slaves, without consent of owner, under penalty of not more than \$100 nor less than \$20; failing to pay, to be imprisoned not less than 10 nor more than 60 days.
2. Free negroes or mulattoes infracting the provisions of this act, to be fined not less than \$20 nor more than \$100, and imprisoned not less than 20 nor more than 60 days; failing to

SECTION.

- pay fine, to be hired out for same.
3. Persons applying for license to take oath not to sell, or cause to be sold ardent spirits to any slave, without consent of owner or overseer.
4. This act to be given in charge to grand juries.
5. All laws in conflict with this act, repealed; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That no person shall sell or cause to be sold to any negro or mulatto slave, ardent spirits in any quantity, without permission of the master, mistress, overseer or person having charge of said negro or mulatto slave; and any white person offending against the provisions of this act shall be guilty of a misdemeanor, and on conviction fined at the discretion of the court having jurisdiction of the same, not more than one hundred nor less than twenty dollars, and upon refusal or inability of such person to pay said fine, together with all costs incurred by said prosecution, shall

be imprisoned for any term not less than ten nor more than sixty days, or until said fine and costs are paid.

SEC. 2. That if any free negro or mulatto shall sell, give or cause to be sold or given, any spirituous liquors to any negro or mulatto slave, he, she, or they, so offending, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty nor more than one hundred dollars; and in addition shall be imprisoned for a term of not less than twenty, nor more than sixty days; and upon refusal or inability to pay the said fine, together with all costs incurred by the prosecution under this act, shall be hired out by the sheriff at public auction to any person who may agree to pay the said fine and costs for the shortest term of service of said free negro or mulatto.

SEC. 3. That whenever any tavern or grocery keepers, merchants or other persons shall apply to any county court of the state for license to sell spirituous liquors in any quantity, it shall be the duty of said court to require the person so applying, to take and subscribe an oath, that he, she, or they, will not directly or indirectly sell, or cause to be sold to any negro or mulatto slave, spirituous [liquors] in any quantity, without permission of the master, mistress, overseer or person having charge of said slave.

SEC. 4. That it shall be the duty of the judges of the several circuit courts in the state to give this act in charge to the grand juries of their respective courts.

SEC. 5. That all laws or clauses of laws coming in conflict with this act, are hereby repealed; and this act shall be in force from and after its passage.

Approved 10th January, 1853.

An act to amend the law in regard to Executions.

SECTION.

1. Plaintiff may issue execution on judgment at any, and all times within ten years from rendition of judgment without revivor, except in case of death of either party to said judgment.
2. In cases of revivor, execution may

SECTION

- issue at any time within ten years from date of revivor, except in case of death of either of the new parties.
3. Lien not to extend beyond the time now fixed by law. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall and may be lawful for any party plaintiff to any judgment, or decree rendered by any of the courts of this state, to issue executions thereon, at any and all times within ten years from the rendition of any judgment or decree as aforesaid, without revivor; except in case of the death of either party to any such judgment or decree.

SEC. 2. That in all cases of revivor, on account of the death of either party to any judgment or decree, the party plaintiff in whose name such revivor shall be made, may issue execution thereon at any time within ten years from the date of such revivor, without again reviving, except in case of the death of either of the new parties to such revivor.

SEC. 3. That nothing in this act contained shall be construed as to extend the lien of any judgment or decree beyond the time now fixed by law; and that this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to take the sense of the qualified voters of this State, for and against a call of a State Convention to modify and reform the present Constitution of this State.

SECTION.

1. Sense of the qualified voters to be taken at next general election for, or against a state convention to modify the constitution of the state.
2. Clerks of the several counties previous to the election, to add two columns to poll books; headed, one for, the other against, a convention.
3. Judges of the general election to take the sense of the qualified voters in each precinct, for or against a convention, and certify the same to the clerks of their counties.
4. Clerks to certify to secretary of state the number of votes for and against

SECTION.

- a convention.
5. Secretary of state to put the speaker of the house in possession of the returns so certified to him, who shall declare the result in presence of both branches of the next general assembly; if in favor, general assembly shall make provision for the convention.
6. Clerks and judges of elections to carry into effect the provisions of this act, and failing, to be subject to the penalties prescribed under the head of elections.
7. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas.* That the sheriffs of the several counties of this state, whose duty it now is to give notice of the elections to be held at the next general elections in this State, to be held on the first Monday in August, A. D., 1854, shall at the same time and place, and in the same manner as now prescribed by law for said general election, give notice that the sense of the qualified voters of the several townships of their respective counties, will be taken at said general election for and against the call of a state convention, to modify and reform the constitution of this state.

SEC. 2. *Be it further enacted,* That it shall be the duty of the several clerks of the several counties throughout this state, in making out the several poll books, as now required by law, previous to the general election to be held in this state, on the first Monday in August, 1854, to add two additional columns to said several poll books; the caption of one shall be "for a convention," the caption of the other "against" a convention.

SEC. 3. *Be it further enacted*, That it shall be, and is hereby made the duty of the several judges of the several political precincts of the several counties throughout this state, at the general elections to be held in this state on the first Monday in August, A. D. 1854, to take the sense of each qualified voter of their respective political precincts, polling their votes in the general election for and against the call of a convention of this state to modify and reform the constitution of the state; and that they certify the same to the clerks of their respective counties in the manner now prescribed by law, for certifying the votes polled at said general election.

SEC. 4. *Be it further enacted*, That it shall be the duty of the clerks of the several counties of this state, within thirty days next after the said general election, to certify up to the secretary of state, for the State of Arkansas, the whole number of votes polled in his county for the call of said convention, and also the whole number of votes polled against the call of the convention.

SEC. 5. *Be it further enacted*, That it shall be the duty of the secretary of state, as soon as the next General Assembly of this state shall have been organized, to put the speaker of the house of representatives of this state in possession of returns so certified to him from the said several counties of this state, which shall be opened and published by him, in the presence of both branches of the next General Assembly of this state; and if a majority of the whole number of the votes polled at said general election be against the call of a state convention, it shall be so declared by the speaker; but if the majority of the whole number of votes polled, as shown by said returns, be in favor of the call of said convention, it shall be so declared by the speaker; and in that case it shall be the duty of the General Assembly, to make provisions by law, for the call and sustenance of a state convention to modify and reform the constitution of this state.

SEC. 6. *Be it further enacted*, That the said several clerks of the several counties of this state, and the said several judges of elections throughout this state, hereby charged with the duty of carrying into effect the provisions of this act, upon failure by any or either of them to perform the duties herein required of him, shall be subject to the same penalties as now prescribed by law, for the execution of the laws of this state, under the head of "Elections."

SEC. 7. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to declare Plum Bayou navigable.

SECTION.

1. Plum Bayou declared navigable.
2. Act not to interfere with bridges al-

SECTION.

ready built; bridges hereafter to be elevated to allow boats to pass.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Plum Bayou be, and the same is hereby declared navigable from the lower confluence thereof, in the county of Jefferson, with the Arkansas river, up to William Mason's mill dam.

SEC. 2. *Be it further enacted,* That this act shall not be so construed as to authorize the removal of any bridge or bridges which have been constructed over Plum Bayou, or so as to prevent the construction of other bridges; *Provided, however,* That all bridges hereafter over said bayou be elevated sufficiently high to admit the passage of flat boats and rafts.

Approved 10th January, 1853.

An act to increase the Common School Fund of Prairie County.

SECTION.

1. County court may borrow funds for

SECTION

for two years, paying 6 per cent int.

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the county court of Prairie county, a majority of the justices of the peace of said county being present and voting in the affirmative, may borrow, and use for county purposes, so much of the school fund, lying idle in the county treasury, as may arise from fines and forfeitures, for the term of two years, the said county paying interest at the rate of six per centum per annum, on the amount so borrowed.

Approved 10th January, 1853.

An act to distribute certain Books.

SECTION

1. Clerks of counties to sell school books on hand; proceeds to go to school

SECTION

fund; act to take effect from its passage.

SECTION. 1. *Be it enacted by the General Asssembly of the State of Arkansas,* That the clerks of the several counties are hereby required to sell such of the school books heretofore apportioned among the several counties as may remain on hand at the passage of this act; that said sale be made at public vendue, after due notice thereof, by publication in some newspaper, or by advertise-

ments set up in the several townships in said county, and that the proceeds of said sale be paid over to the proper officer, and constitute a part of the common school fund; and this act take effect from its passage.

Approved 10th January, 1853.

An act more fully to define the Line between the Counties of Pope and Newton.

SECTION

1. Defines line between Pope and Newton counties.

SECTION

2. All laws in conflict with this act, repealed; act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the line dividing townships, numbers twelve and thirteen, north of the base line, shall hereafter be the dividing line of the counties of Pope and Newton; and all the territory north of said line shall be added to, and compose a portion of the county of Newton, that now belongs to the county of Pope.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed; and this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act for the Relief of the Deaf and Dumb Assylum at Danville Kentucky.

SECTION.

1. Appropriates \$264 21 to deaf and dumb assylum at Danville, Ky.

SECTION

2. This act take effect from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of two hundred and sixty-four dollars and twenty-one cents, be paid to the deaf and dumb asylum at Danville, Kentucky, out of any moneys in the treasury not otherwise appropriated, and according to law, on the warrant of the auditor drawn therefor.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved 10th January, 1853.

An act to authorize and require the Clerk of the County and Circuit Courts of Montgomery county, to transcribe certain Records of said County.

SECTION

1. Clerk of circuit court of Montgomery to record in a book for that purpose, such records as the county court may deem necessary.
2. Clerk shall present the same for inspection at the first county court after transcript is made; if found correct, presiding judge shall certify same, and such record so certified

SECTION

- shall be as binding as the original.
3. Transcripts, or copies, attested by the clerk, etc., to be received in evidence in the courts of this state.
4. Clerk of said county allowed a reasonable compensation out of the contingent fund of the circuit court.
5. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall be the duty of the clerk of the circuit and county courts of Montgomery county in this state, and he is hereby authorized to transcribe into a well bound book, such records of said county as the county court of said county may deem necessary, for safe preservation of the same.

SEC. 2. *Be it further enacted*, That said clerk of said court shall, at the first term of the county court of said county after he has completed the transcribing of said records, present the same to the said court, duly certified for its inspection and the said court shall carefully compare the same with the original records, and when said court shall be satisfied that said copy so transcribed as aforesaid, is a full, true and perfect transcript, or copy of the original, then the presiding judge shall so certify the same, as such judge, which record, when so certified, or transcribed and certified, as aforesaid, shall be as valid and binding, both in law and equity, as the original might or could be.

SEC. 3. *Be it further enacted*, That transcripts or copies thereof attested by the clerk and under his seal, and countersigned by the judge of the county court, shall be received as evidence in the courts of this state, in the same manner and to the same extent as transcripts from the original as now provided by law.

SEC. 4. *Be it further enacted*, That the clerk of said county of Montgomery, shall be allowed a reasonable compensation to be fixed by the county court of said county, which shall be paid out of the contingent fund of the circuit court of said county in such sum and manner as the county court may direct.

SEC. 5. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to amend an act to authorize the sale of the Sixteenth Sections for less than two dollars per acre, in certain cases.

SECTION

1. Section 16, in any congressional township in Randolph county once offered for sale at \$2 per acre and remains unsold, commissioner may

SECTION

offer the same for sale at not less than \$1.25 per acre.
2. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That when the school commissioner of any congressional township, in the county of Randolph, and State of Arkansas, shall have once offered the sixteenth section of his township, or any legal subdivision thereof, for sale, and the same has failed to sell for two dollars per acre, and has been, or may be reserved from sale on that account; the said commissioner may, at any time thereafter, sell the same at not less than one dollar and twenty-five cents per acre, regulating the same in all other respects by existing laws.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its passage.

Approved 10th January, 1853.

An act to amend an act to provide for the Printing of the Governor's Message, and the Making and the Printing of the Reports of the different State Officers; approved December 21st, 1850.

SECTION

1. Repeals section 2 of the act approved Dec. 21, 1850; state officers, and officers having the bank in charge, to make report to the governor, on or before the 10th of October, preceeding the meeting of the general assembly, and that the governor cause the same to be printed with his message.

SECTION

2. Printing message and reports to be paid for at prices not exceeding that paid for message and reports made to the general assembly at the present session.
3. All laws contrary to the provisions of this act repealed; and this act in force from its passage.

WHEREAS, It is proper that the Governor should have in his possession the reports of the various State Officers, showing the condition of the affairs of the State, to enable him to prepare his Message to the General Assembly, with convenience, and based on official information; Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That section two, of the act approved December 21st, 1850, requiring certain officers to report directly to the general assembly, be, and the same is hereby repealed; and that the auditor, treasurer, land agent, land attorney, and state collector, and keeper of the penitentiary and officers having the bank in charge, as well as inspectors of the penitentiary, shall make their respective reports

to the governor of this state, on or before the 10th day of October next preceding the regular meeting of the general assembly, for each biennial session, and that the governor cause the same to be printed with his biennial message, and have the same ready for the general assembly on or before the Wednesday of the first week of the session of the general assembly.

SEC. 2. *Be it further enacted*, That the printing which the governor is required to have executed by the preceding section, be paid by the state, at prices not exceeding those paid for the printing of the message and reports made to the general assembly at the present session, and that a sufficient sum of money is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay for such printing.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be, and they are hereby repealed; and this act shall take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to regulate the Distribution of the Acts and Journals of the General Assembly.

SECTION

1. Clerks to distribute acts and journals remaining after the officers are supplied, among the justices of the peace, to be distributed among the citizens of their township.
2. Clerks to dispose of the acts and jour-

SECTION

- nals of the last session, according to the provisions of the foregoing section.
3. All acts in conflict with this act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That after the clerks of the several counties shall have distributed the acts and journals to the several officers in each county, as now prescribed by law, they shall be required to divide the remaining copies in their offices, in equal proportions among the several justices of the peace in their respective counties; to be equally distributed among the citizens of their several townships.

SEC. 2. *Be it further enacted*, That the clerks of the several counties, shall dispose of all the acts and journals of the past session of the general assembly, in their offices, at the passage of this act, in accordance with the provisions of the foregoing section.

SEC. 3. *Be it further enacted*, That all acts and parts of acts in conflict with this act be, and they are hereby repealed.

Approved 10th January, 1853.

An act to authorize the County Courts of Union, Dallas, and Bradley counties to regulate the pay of Jurors.

SECTION

1. County courts of Union, Dallas and Bradley, to fix compensation of grand and petit jurors, at not less than \$1,50, nor more than \$2 per

SECTION

- day, to apply only to the regular panel.
2. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the county courts of Union, Dallas and Bradley counties, be, and the same are hereby authorized and required to fix the compensation of grand and petit jurors, that may be summoned by orders of said courts; *Provided*, That said compensation shall not be less than one dollar and fifty cents, nor more than two dollars per day, and apply only to the regular panel that may serve at each circuit court.

SEC 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved 10th January, 1853.

An act to pay the Clerks of the Bank Committee.

SECTION

1. Clerks of bank committees allowed \$5 per day, for the time employed
2. Secretary of the senate, and principal and enrolling clerks of the house allowed \$6 per day for services.

SECTION

3. Assistant secretary of the senate, and assistant clerk of the house, allowed same pay as was paid same officers at last session.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the clerks appointed by the bank committees of this general assembly, be, and they are hereby allowed five dollars per day for the time which they have been employed by said committees, and that the chairman of each committee be authorized to certify the same to the auditor, and that the same be paid out of any money in the treasury, not otherwise appropriated.

SEC. 2. *Be it further enacted*, That the secretary of the senate, and the principal and enrolling clerks of the house of representatives, shall each receive the sum of six dollars per day, for their services during the present general assembly.

SEC. 3. *Be it further enacted*, That the assistant secretary of the senate, and assistant clerk of the house of representatives, shall each receive the same per diem pay for their services during the present session as was allowed to the said officers by the general assembly at the last session.

Approved 10th January, 1853.

An act to incorporate the Memphis and Little Rock Plank or Railroad Company.

SECTION.

1. Company styled the "Little Rock and Memphis Railroad Company," and by said corporate name, to do all acts lawful and incident to corporations and necessary to the transaction of business.
2. Certain persons named to open books for subscription in this state, and also, at Memphis,
3. Books open for 4 days; if \$400,000 are subscribed, stockholders to be notified to meet and organize, and elect a board of directors.
4. Capital stock \$400,000, and may be increased to \$2,000,000; shares \$100 each; share entitles a vote.
5. Board of directors to consist of five stockholders, who shall choose president from their number and appoint secretary, treasurer, &c.
6. Directors to hold office 12 months, and to fill vacancies; company have exclusive right of transportation; rates of charges fixed.
7. Manner of paying installments, and forfeitures for non-payment.
8. Stock transferable.
9. Company may increase capital stock either by new subscriptions; or selling stock, or borrowing money on credit of company.
10. Board of directors to make annual report to general meeting of the stockholders.
11. President and directors to be citizens of the U. States and *bona fide* owners of stock for 3 months, (except first election); stockholder to possess stock at least three months in his own right before he votes at an election. (except the first).
12. Votes may be in person or by proxy; each share entitles a vote.
13. Company may purchase and hold any lands, tenements, &c. necessary for the use of said road.
14. Company may construct said road or branches thereof, across or along any public road or highway, provided the same is not obstructed by it.
15. Company and owners of land disagreeing as to value, circuit court of the county in which the land is, to appoint five commissioners to value the same; they shall estimate the damages and the advantages the owner will sustain by the construction of said road, and the excess of loss shall be the valuation. Either party appealing, court to or-

SECTION

- der new valuation by jury, whose verdict shall be final; work on road not to cease on account of these proceedings; nor shall injunction or supersedeas be awarded to delay said work.
16. In absence of contract with company from owner or agent of any land through which said road may pass it shall be presumed that said land to the width of 100 feet on each side from the centre of the road, has been granted to said company; owner or agent of such land may apply within five years for an assessment, failing to apply within that time, to be forever barred from recovering said land, or having any assessment thereon.
17. Intruding on said road without will of company, forfeits all vehicles that may be so intruded; and persons so intruding subject to fine and imprisonment upon conviction.
16. If any person shall wilfully hurt, damage, destroy, or obstruct said road, such person subject to imprisonment and fine, and it shall not be competent to give in evidence that such person was the owner or agent of said land when the damage was sustained.
19. Every obstruction of said road a public nuisance.
20. Company to establish rules for receiving, storeage, and transporting goods.
21. Profits to be divided semi-annually among the stockholders.
22. Road not to impede any road or highway across which it may pass; passing through land of an individual, company to provide suitable wagon way across the road.
23. Company shall possess additional powers to carry out the objects of this charter.
24. Charter may be amended by legislature upon petition of president and directors, and obligatory when unanimously adopted by the president and directors.
25. President, directors, officers, and servants of company exempt from military duty except in certain cases, and from serving on juries, and working on roads.
26. Company may purchase slaves for working and keeping road in order.
27. If company dissolve, president and

SECTION.

- directors trustees to close up affairs.
28. Capital stock exempt from taxation till road pays dividend of 6 per cent. all the fixtures of said road exempt for a period of 20 years.
 29. Road to commence on the Mississippi river, opposite Memphis; and thence to Little Rock.
 30. Company to have stone and timber free belonging to the state; shall have power to appropriate same belonging to individuals; if payment is demanded and owner and company cannot agree, three com-

SECTION.

missioners to be appointed as provided in the 15th section. Right of way granted on all state lands. In event \$400,000 is not subscribed, company may construct plank road to St. Francis river. First gate near the Mississippi river; every 5 miles when finished an additional gate; rates of toll established. All privilege and grants &c., granted to the Memphis and Little Rock Railroad, granted to said Plankroad; privileges and immunities to cease after 99 years.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That for the purpose of establishing a communication by railroad between the city of Memphis, in the State of Tennessee, and Little Rock, in the State of Arkansas, the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of the Memphis and Little Rock railroad company, and by said corporate name, may, and shall be capable in law, to buy, receive by gift, hold, sell, and convey real and personal estate; make contracts, sue and be sued; make by-laws, and do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated; to have and use a common seal, and alter the same at pleasure, and shall have perpetual succession of its members.

SEC. 2. That William A. Jones, Edward Malany, George W. Beazeley, Samuel M. McCurdy, James S. Izzard, John McDaniel, Carter J. Bernard, and James D. Wilcomb, are appointed commissioners, any number of whom not less than three, may open books at such time and place as they may designate, first giving twenty days notice in some newspaper in the cities of Memphis and Little Rock, of the time and place of opening such books; and that Samuel Tate, Thomas Peters, Samuel P. Walker, R. L. Brinkley, D. Scatherman, and James A. Carnes, or any three of them, may, and they are hereby authorized to open books, for subscriptions of stock to said company in the city of Memphis, on the same conditions as prescribed for the opening of books in this state.

SEC. 3. That said commissioners may keep the books open for four days, and if, at the expiration of the four days, the sum of four hundred thousand dollars shall have been subscribed, the commissioners shall make publication of that fact in a newspaper published in Memphis and Little Rock, calling on the stockholders to meet at some early and convenient time, at the residence of William A. Jones, on St. Francis river, for the purpose of organizing said company by the election of a board of directors, as hereinafter provided.

SEC. 4. The capital stock of said Memphis and Little Rock Rail-

road Company shall be four hundred thousand dollars; and may be increased to two millions, at the pleasure of the company. Said capital stock shall be divided into shares of one hundred dollars each, and each share of stock shall be entitled to one vote in the election of directors.

SEC. 5. At the first meeting of the stockholders, they shall, under the direction of three or more of the commissioners provided for in this act, proceed to the election of a board of directors, to consist of five persons, who shall be stockholders; three of whom shall constitute a quorum for the transaction of business. The board of directors shall choose from their number a president, in such manner as those present may agree, and may appoint a secretary and treasurer, and any other officer or agent that may be deemed necessary for the transaction of the business of said company.

SEC. 6. The board of directors of this charter shall hold their offices for twelve months from the date of the election, or until their successors shall be chosen; and shall have the power to fill any vacancy that may occur, and in the absence of the president may appoint a president, *pro tem*. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandise, or produce over said railroad by them to be constructed; *Provided*, That the charge of transportation and conveyance shall not exceed seventy-five cents per hundred pounds, on heavy articles, and fifteen cents per cubic foot on articles of measurement, for every hundred miles, and in like proportion for a shorter distance, and five cents a mile for every passenger; *And provided, also*, That the said company may, when they see fit, form out their right of transportation on said road subject to the rates above mentioned.

SEC. 7. The board of directors may call for the payment of stock in such sums as they may deem expedient, not exceeding two per cent. at any one time, of which required payment twenty days' notice shall be given in some newspaper printed in Memphis and Little Rock, and a failure to pay, or secured to be paid, according to the rules of the company, any of the installments so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall so be made and all payments thereon, and the same shall invest in and belong to the company, and may be restored to the owner or owners by the board of directors if they deem proper on the payment of all arrears of such shares, and legal interest thereon; or the directory may waive the forfeiture after thirty days default, and sue the stockholders for the installments due, at their option.

SEC. 8. The stock of said company may be transferred in such manner as may be directed by the by-laws of said corporation.

SEC. 9. The said company may, at any time, increase its capital to a sum sufficient to complete the said road, and stock it with any thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by bor-

rowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting; and any state, or any citizens, corporation, or company of this, or any other state, or country, may subscribe for, and hold stock in said company, with all the rights, and subject to all the liabilities of any other stockholder.

SEC. 10. The board of directors shall once in every year at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient.

SEC. 11. No person but a citizen of the United States, and being a *bona fide* stockholder in his own right, which he shall have held at least three months previous, (except at the first election), shall be president or director of the company, nor shall any stockholder vote in person or by proxy, at any general or other election, (except the first,) who shall not have held in his own right, the share or shares on which he offers to vote, at least three months previous to such election.

SEC. 12. Stockholders may vote in person or by proxy; and in the election of directors, and in voting on all questions which come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders, in any other manner, the owner of one vote for each and every share, he, she, or they, may own as aforesaid.

SEC. 13. The said company may purchase, have, and hold, in fee, or for a term of years; any lands, tenements, or hereditaments, which may be necessary for said road, or appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants, or agents of the company, or for workshops or foundaries to be used for the said company, or procuring timber, or stones, or other materials necessary for the construction of two roads or its appurtenances, or for effecting transportation thereon.

SEC. 14. The said company shall have the right, when necessary, to construct the said road, or any branch thereof, across or along any public road or water course; *Provided*, Said road, and the navigation of such water course, shall not be thereby obstructed.

SEC. 15. When any lands, or right of way, may be required by said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or or majority of them, to be appointed by the circuit court of the county where some part of the lands or right of way is situated; and the said commissioners, before they act, shall severally take an oath, before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation,

the commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken, or the right of way being cumbered, and also the benefit and advantage, he, she, or they, may receive from the erection or establishment of the said road, or works, and shall state particularly the nature and amount of each; and the excess of loss and damage, over and above the benefit and advantage, shall form the amount of valuation of the said land, or right of way. The proceedings of said commissioners, accompanied with a full description of said land, or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, thus to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commissioner, and give reasonable notice to the opposite party of such appeal, and the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, a new trial shall be granted, and the lands or rights of way so valued by the commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation may be paid, or, when refused, may be tendered. Where there may be an appeal as aforesaid, from the valuation of the commissioners by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but when the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving to the opposite party a bond with good security, to be approved by the clerk of the court when the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court; *Provided*, That, when the land cannot be had by gift or purchase, the operations of the works are not to be hindered or delayed, during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

SEC. 16. In the absence of any contract with the company in relation to the lands through which the said road may pass, signed by the owner thereof, or by his agent, or any claimant, or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as being as the same to be used only for the purpose of the road, and no longer, unless the person or persons owning the said land at the time that

part of the road which may be on said road [land] was finished, or those claiming under him, her, or them, shall apply for an assessment for the value of said lands, as hereinafter directed, within five years next after that part of said road was finished; and in case the said owner or owners, or those claiming under him, her, or them, shall not apply for such assessment within five years next after the said part was finished, he, she, or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor; *Provided*, Nothing herein contained shall affect the right of *femes covert*, or infants, until two years after the removal of their respective disabilities.

SEC. 17. If any person shall intrude upon the said railroad, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she, or they, shall forthwith forfeit to the said company, all the vehicles that may be so intruded on said road, and the same may be recovered at law; and the person or persons so intruding may also be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

SEC. 18. If any person shall wilfully or maliciously destroy, or in any manner hurt, damage, or obstruct the said railroad, or any bridge, or any vehicle used for, or in the transportation thereon, such person or persons so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six, nor less than one month, and pay a fine of not less than twenty dollars, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving the evidence that he was the owner, or agent or servant, of the owner of the land, when such destruction, hurt, damage, injury, or obstruction was done or caused, at the time the same was caused or done.

SEC. 19. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such by an officer, or agent, or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

SEC. 20. The said company shall have a right to take, at the store-houses they may establish, or annex to their roads, all goods, wares, merchandise, and produce, intended for transportation; prescribe the rules of priority and charge, and receive such just and reasonable compensation for storeage, as they by rules may establish, (which they shall cause to be published), or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation.

SEC. 21. The profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of

the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

SEC. 22. Whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, so as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road, from one part of his land to the other.

SEC. 23. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

SEC. 24. This charter shall be amended from time to time, by the legislature, whenever the president and directors shall unanimously petition for amendments, specifying, in the petition, the nature of such amendments; and when such amendments shall be adopted by the legislature, and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

SEC. 25. The president and directors, clerks, agents, officers and servants of said company, shall be exempt from military duty, except in cases of invasion and insurrection; and shall also be exempt from serving on juries, and working on public roads.

SEC. 26. The company shall have full power and authority to purchase, and own such number of slaves as may be necessary for the construction of said road, and for keeping the same in repair.

SEC. 27. If, by decree or otherwise, the said corporation shall be dissolved, the president and directors of said company are created trustees, with such powers only as may be necessary to collect the debts due the company, preserve the property and effects of the company to those who may be entitled thereto under the charter.

SEC. 28. The capital stock of said company shall be exempt from taxation, until the road pays a dividend of six per cent. and the road, with all its fixtures and appurtenances, including work-shops, ware-houses and vehicles of transportation, shall be exempt from taxation, for the period of twenty years from and after the completion of said road.

SEC. 29. That said railroad shall commence on the west bank of the Mississippi river, opposite the city of Memphis, running in a westerly direction, to the town of Little Rock, on the Arkansas river; to be located in such manner as the board of directors may deem most advisable for the interest of the company.

SEC. 30. That said company may use all stone or timber that may be necessary for the construction of the road, free of charge; *Provided*, The same shall belong to the state; and where such stone or timber belongs to individuals, shall be necessary for the construc-

tion of the road, the company shall have the power to appropriate such material to said purpose; and if the owner or owners of such material shall demand payment for the same, and the owner or owners and the company cannot agree as to the value, three commissioners may be appointed in the same way and with the same powers as are fixed for the valuation of land in the 15th section of this act. The right of way through all lands owned by the state, is hereby given to said railroad company. In the event that the sum of four hundred thousand dollars shall not be subscribed, as required in the 4th section of this act, then, the said subscribers may construct a plankroad, beginning at the point designated, opposite the city of Memphis, and extending through the low lands of the Mississippi, to some suitable point on the St. Francis river, in the direction of Little Rock; said plankroad to be constructed in a good and sufficient manner; to be graded not less than twenty feet in width, and covered with plank not less than nine feet, the bed or grade not to exceed three degrees; the first gate on said road to be located at or near the Mississippi river, and for every additional five (5) miles, when completed, they shall have the privilege of erecting an additional toll-gate, and shall have the power to charge and collect the following tolls at each gate: For every wagon, four horses, mules or oxen, twenty-five cents; for each wagon, hauled by three horses, mules, or oxen, twenty cents; for every wagon, hauled by two horses, mules or oxen, fifteen cents; for every one-horse wagon, or cart, ten cents; for every two-horse pleasure carriage, twenty-five cents; for every pleasure carriage drawn by one horse, ten cents; for each man and horse, five cents; for each horse or mule, five cents; for each head of cattle, two cents; for each head of sheep or hogs, one cent per head; all the powers and privileges granted in the preceding sections of this act, to the Memphis and Little Rock railroad company, not inconsistent with the object contemplated in granting the privilege to construct this plankroad, to be known and styled the "Memphis and Little Rock Plankroad Company," are hereby granted to said plankroad company; *Provided*, That nothing in this act contained shall be so construed as to extend any rights, privileges, or immunities, for a longer time than ninety years.

Approved 11th January, 1853.

An act to Incorporate the Louisville and Arkansas Mining and Marble Company.

SECTION

1. Names certain persons, with their successors, as a body politic and corporate, by the name, Louisville and Arkansas Mining and Marble

SECTION

- Company; to have and exercise all the privileges and immunities of a body corporate.
2. Capital stock not to exceed \$500,000

SECTION

share \$50, deemed personal property; company have lien on stock for debt.

3. There shall be 8 directors, one of whom shall be president,—who shall be stockholders, and elected annually; at all meetings, each stockholder entitled to one vote for each share of stock; a majority of directors, a quorum to transact business.
4. Company may go into operation as soon as capital stock is subscribed.
5. President and directors to fill vacancies, appoint a secretary, treasurer, and such other officers, agents, etc.; to make by-laws, rules and regulations for the management of the business of said corporation.
6. Failing to hold an election for directors, shall dissolve corporation.
7. Treasurer to be chosen from among

SECTION

stockholders, and to give approved security for the discharge of his duties.

8. President and directors to declare dividend; books to be open to inspection of stockholders, and once a year a statement of the affairs of the company to be made.
9. Directors may call in stock by installments; installments not to exceed 5 per cent. of amount subscribed; and such payment not to be until four months after previous payment; stockholders failing to pay installment, stock to be sold to pay installments due, and expenses of sale.
10. Stockholders liable for debts of company.
11. This act in force from its passage, and remain in force 50 years.
12. This act a public one.

WHEREAS, For the purpose of promoting the general prosperity and independence of our common country, and in order to aid in the development of the natural resources of this State by bringing into market the Marbles and Minerals imbedded in its soil; Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That John W. Bright, Claudius Duvall, Cyrus H. Bent, Edward W. Sehon, Samuel Griffith, Clifton W. Kennedy, Jacob Anthony, Luther G. Howard, and L. A. Whitely; with all others who are, or may be hereafter associated with them, be, and they are hereby, with their successors and assigns, made and established a body politic and corporate by the name of "The Louisville and Arkansas Mining and Marble Company," for the purpose of quarrying and manufacturing marble, and digging mineral ores, and smelting and assaying the same; and also to carry on the business of merchandising in the most advantageous manner; and by that name and style, they and their associates, assigns and successors, shall be, and are hereby authorized and empowered to have and to use a common seal, and the same to alter at their pleasure, and to purchase, take, hold, occupy and enjoy, to them and their successors, any goods, chattles, and effects of whatever kind they may be; the better to enable them to carry on such business to advantage, and to carry out the objects and intentions of said corporation, also to take, occupy, possess, purchase, and enjoy to them and their successors, in fee, or for life, or for years, any lands, tenements, hereditaments, or slaves, as shall be necessary for the views and purposes of said corporation, and the same to sell and dispose of at pleasure, and to erect and employ all necessary buildings and machinery for the purposes aforesaid; also, to sue and be sued, plead and be impleaded, defend and be defended, and be answered

unto in any court of record, or elsewhere, by the name and style aforesaid, and to have, use, and enjoy all the rights and privileges of a body corporate.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed five hundred thousand dollars, and that a share of said stock shall be fifty dollars, and shall be considered and deemed personal estate, and be transferable only on the books of said company, in such form as the directors of said company shall prescribe, and said company shall at all times have a lien upon all the stock or property of the members of said corporation, invested therein, for all debts due from them to said company.

SEC. 3. *Be it further enacted*, That the stock, property and affairs of said corporation shall be managed by eight directors, one of whom they shall appoint their president, who shall hold their offices for one year, and until their successors are elected, which directors shall be stockholders in the corporation, and citizens of the United States, and shall be annually elected at such time and place as the regulations of said company shall prescribe; and at every legal meeting of the stockholders for the purpose of electing directors, or for transacting any other business properly brought before them, each stockholder shall be entitled to one vote for each share of capital stock held by such stockholder, which vote may be given in person or by proxy, and at all such meetings of stockholders a majority of stockholders present, either in person or by proxy, shall be capable of transacting the business of such meeting, and a majority of said directors shall be sufficient to constitute a quorum, for the transaction of business in all the business meetings of said directors.

SEC. 4. *Be it further enacted*, That said company may go into operation as soon as the whole amount of the capital stock thereof shall have been subscribed for, and that when said stock shall have been subscribed for, the individuals, or any three of them, who are made and established a body politic and corporate, by the name of of "The Louisville and Arkansas Mining and Marble Company," in the first section of this act, may call a meeting by giving notice thereof to the stockholders, at which the directors aforesaid shall be chosen.

SEC. 5. *Be it further enacted*, That the president and directors for the time being, shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the then current year, and to appoint and employ from time to time, a treasurer and secretary for said company, and such other officers, agents, mechanics and laborers as they may think proper for the transaction of the business and concerns of said corporation, at such salaries as they may deem expedient and proper, and the same to remove or discharge at pleasure; and also to call special meetings of the stockholders as often as may, by said directors, be deemed necessary for the interests of the said corporation, by giving at

least thirty days' previous public notice thereof, and also to make and establish such by-laws, rules, and regulations, as they shall think expedient and proper for the better management of the business of said corporation, and the same to alter, renew or repeal, at pleasure; *Provided always*, That such by-laws, rules and regulations be not inconsistent with the laws of this state or of the United States, or in conflict with this charter.

SEC. 6. *Be it further enacted*, That if it should happen that an election of directors should not take place in any year, at the time appointed for the annual meeting of the stockholders of said corporation, the said corporation shall not for that reason, be dissolved, but such election may be held thereafter, on any convenient day, to be fixed by the directors, they having previously given at least thirty days' public notice thereof.

SEC. 7. *Be it further enacted*, That the treasurer aforesaid shall be chosen from among the stockholders of said corporation, and shall be required to give such security for the faithful performance of his duties, as such, as shall be prescribed and approved by the president and directors of said company.

SEC. 8. *Be it further enacted*, That the president and directors of said corporation shall, and may, as often as the interests of the stockholders thereof shall require, and the officers of said company will permit, declare a dividend of profits on each share of said capital stock, which shall be paid by the treasurer of said corporation; and that the books of said company containing its accounts shall at all reasonable times be open for the inspection of any of the stockholders of said company; and that as often as once in each year, a true and correct statement of the accounts and affairs of said company shall be made by order of said directors to the stockholders thereof.

SEC. 9. *Be it further enacted*, That the directors may call in the subscription to the capital stock, to be paid by installments, in such proportions and at such times and places as they may think proper, giving such notice thereof, as the by-laws and regulations of said company may prescribe; *Provided always*, That any installment so required to be paid at any one time, shall not exceed five per centum of the amount of the stock subscribed, and that no installment shall be so called for, or required to be paid within four months of the time fixed for the payment of the last previous installment; and in case any stockholder shall refuse, or neglect to pay such installment or installments, for the term of sixty days after the same shall become due and payable, and after he, she, or they shall have been notified of his, her, or their default therein, the treasurer of said company shall offer at public sale, at such time and place as shall be fixed upon by said directors, after having given thirty days' public notice thereof, all the share or shares of such negligent stockholder or stockholders, to the highest bidder for cash in hand, who shall become the owner of such share, or shares, and be so entered

and recognized on the books of said company; and with the proceeds of such sale or sales, said treasurer shall first pay all the expenses of such sale, or sales, and notices thereof, and all the installments due on said share, or shares, to the corporation, and the balance, if any, he shall pay, whenever called on for the same, to the stockholder or stockholders on account of whose default, or neglect, or refusal to pay said installments, such sale, or sales were made; and if any share, or shares, thus offered at public sale, will not sell for as much as will pay the installments then due on such share, or shares, they shall not be sold, but the stockholder, or stockholders, of such share, or shares, shall forfeit to said company all his, her, or their previous installment then already paid, together with all his, her, or their rights or interests whatsoever, to any or every portion of said share, or shares of stock, in said corporation.

SEC. 10. *Be it further enacted*, That for all debts which may be due at any time from said company, the stockholders thereof shall be liable in their private capacity.

SEC. 11. *Be it further enacted*, That this act shall take effect and be in force from and after its passage, and shall continue and remain in force during the term of fifty years.

SEC. 12. *Be it further enacted*, That this act shall be deemed and taken as a public act, and shall, at all times, be recognized as such in all courts and places whatsoever.

Approved 11th January, 1853.

An act to attach a portion of the county of Conway to the county of White.

SECTION

1. Township 8 north, of range 9 west, and township 8 n. of range 10 w. taken from Conway and attached to White county.
2. All process issued or which may issue from clerk of court of Conway before 1st March, 1853, to be re-

SECTION

- turned as now directed by law, and sheriff to have five months to collect taxes.
3. All laws in conflict with this act repealed; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that portion of the county of Conway included in township eight north of range nine west, and township eight north of range ten west, be, and the same is hereby attached to the county of White.

SEC. 2. *Be it further enacted*, That all and every process which has been issued, or may issue from the clerk of any of the courts of Conway county, previous to the first day of March, 1853, shall have full force and effect, and be returnable, as now directed by law; and the late sheriff of Conway county, as assessor and collector

of taxes, shall have full power and authority, for the space of five months from the passage of this act, to collect any arrearages of taxes that may be due, in the manner prescribed by law.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed; and that this act be in force from and after its passage.

Approved 11th January, 1853.

An act supplementary to an act to provide more fully for the Incorporation of the City of Fort Smith.

SECTION

1. Corporate powers extinct after 99 years; not to exercise banking pri-

SECTION

vileges.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the corporate powers, privileges, franchises and immunities of the act of incorporation, to which this is a supplement, shall cease and become extinct from and after the period of ninety-nine years; and that said corporation are hereby prohibited from the issue of any notes for circulation, as a medium of circulation, or exercise any banking privilege.

Approved 11th January, 1853.

An act to repeal an act to amend the Second Section of chapter 139, of the Digest of the Statutes of this State, under the head of Revenue, approved January 11, 1851.

SECTION

1. An act to amend 2d sec. chap. 139, of Digest, repealed.

SECTION.

2. Revives 2d sec. chap. 139, of digest.
3. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an act to amend the second section of chap. 139, of the digest of the statutes of this state, under the head of revenue, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That all of the aforesaid section of chap. 139, of English's digest, is hereby revived, and shall be in full force and effect, as if it never had been repealed.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 11th January, 1853.

An act Revising the Common School System in the State of Arkansas.

SECTION

1. Section 16, and lands granted in lieu of sec. 16, and lands granted to townships in which is no sec. 16, to be held as common school lands.
2. Common school lands under care of the counties.
3. Penalty for trespassing on school lands \$10, to be recovered before justice of the peace or circuit court.
4. Trespassers upon school lands, liable to indictment, and fine in double amount of the damages done.
5. Sixteenth section sold, commissioner to select other lands; and file certificate of such selection in land office.
6. On 1st Monday of August next, and every 2 years thereafter, a common school commissioner shall be elected in each county. He shall give bond in \$10,000 for the faithful discharge of his duties.
7. Form of bond.
8. Commissioner shall have supervision of all common schools in his county; he shall advise and assist the township trustees; recommend books manner of conducting common schools, etc.
9. Secretary of state ex-officio state commissioner, and shall report to the governor on or before the first Monday in November, in each year, the condition of common schools throughout the state, which report the governor shall lay before the general assembly.
10. County commissioners to communicate to state commissioner on or before 1st Monday in October in each year, all information in relation to schools, as the state commissioner embodies in his annual report, or may require.
11. Manner of contesting election of school commissioner, same as of clerk or sheriff; county court to fill vacancy.
12. Commissioner shall attend to collecting demands in favor of township, settle accounts of trustees, &c.
13. County court may remove commissioner for violation of law or duty, and may require a new bond, if the first is deemed insufficient.
14. Commissioner shall provide four books, marked A, B, C, D; in A. he shall record petitions for sale, and sub-divisions of school lands; in B. he shall keep an account of sales.

SECTION

15. In C, he shall keep account with township treasurer; in D, a just and true account of all moneys received, paid out, to whom, &c.
16. Bond of township treasurer to be filed in office of commissioner, who shall then deliver all moneys and other valuables in his hands belonging to said treasurer's township, into his hands, taking a receipt therefor as his voucher.
17. Funds arising from seminary and saline lands, and other moneys belonging to school fund, to be paid to county commissioner, who shall receipt for the same, and apportion said funds to the townships.
18. Commissioner *ex-officio* superintendent of common schools; shall visit all the schools once a year, examine applicants for teaching; if competent, give them certificates which shall be valid one year; if incompetent, shall not be allowed to teach a common school; form of certificate.
19. County treasurer to pay over to commissioner certain moneys for the use of schools in the several townships.
20. All moneys, books, papers, &c., to be delivered to commissioner's successor in office.
21. Inhabitants of townships desiring sale of common school lands, to petition commissioner.
22. Land to be divided into 40 acre tracts by township trustees, a plat of the same, and number of each tract shall be delivered to commissioner; trustees may employ county surveyor to assist in surveying said lands, who shall be paid out of funds arising from sale of said lands.
23. In sub-dividing, no tract to contain more than 80 acres.
24. To be sold to highest bidder, on a credit of not less than one, nor more than five years, with bond and security, and interest in advance, semi-annually, at the rate of 8 per cent. per annum; failing to pay two installments forfeits purchase, and land to be again sold.
35. Sale shall be at court house door, 60 days notice by posting up advertisements, to be given, stating time, terms, place of sale; if a paper is

Sec. 110

published in the county, then by four weeks insertion of said notice before day of sale.

26. Lands not sold publicly at \$2 per acre, may be offered at private sale; not to sell for less than \$1.25 per acre; not to be offered publicly more than twice in one year.
27. Upon completion of sale, commissioner to enter same in book B, and deliver to purchaser a certificate, describing the land and the price.
28. At spring term of county court, commissioner shall make a statement of the sale of school lands from book B; statement showing amount of money received, paid, loaned out, and on hand; statement from book C., showing all the facts in regard to the lands.
29. Commissioner to transmit to secretary of state a transcript of sales; statements to county court to be copied into a book, and list transmitted to secretary of state.
30. Purchaser, after payment, entitled to patent from the state, signed by the governor, and countersigned by the secretary; patent sent to county commissioner, and by him delivered to patentee.
31. Each township a school district; business transacted by three trustees elected by householders; shall be a body politic and have perpetual existence.
32. No one eligible as trustee, unless a free white person. 21 years of age.
33. A majority of householders petitioning commissioner, he shall order an election for three township trustees, to hold office 2 years; said election conducted as other elections; first election first Monday in August next.
34. Commissioner to give trustee a certificate of his election.
35. Householder selecting, commissioner to discharge duties of trustees, as regards keeping and loaning school funds of townships.
36. The manner of conducting township elections, to be according to laws of general elections, provided, the election close at 5 o'clock p.m.
37. Vacancy in board of trustees filled by election, on order of remaining trustees.
38. Poll books of election of trustees to be delivered to commissioner, and by him filed as evidence of such election.
39. Trustees to be successors to town-

SECTION

ship commissioners.

40. All rights of property, &c., vested in township commissioner, to vest in said trustees as successors.
41. Trustees to hold quarterly meetings on the first Saturdays in January, April, July and October.
42. At quarterly meetings, trustees to ascertain amount of funds in hands of county commissioner, who shall render said trustees a statement of all funds in his hands, and apportion the same according to the number of children in each common school.
43. Trustees to appoint treasurer of township, who shall give bond to county commissioner, with security, for the faithful discharge of his duties.
44. All moneys to be paid to treasurer; treasurer may be removed for failure to perform his duties, and may be sued on his bond.
45. Trustees to lay off township into suitable districts, for the convenience of householders.
46. Trustees have power to buy, receive and hold real estate, upon which to erect school houses, provided a majority of the householders, when money is on hand may use any house that may be offered.
47. Trustees to adopt rules and by-laws for conducting schools.
48. Guardians to send wards to school one-fourth of the time said school is taught, under a penalty of not less than \$5, nor more than \$25, out of his own proper money for the use of common school fund, provided, such guardian may send his ward to any school he may select; and said penalty not to be inflicted where a good reason is shown for not sending to school.
49. Commissioner and trustees may purchase real estate, in satisfaction of judgment, and title shall vest in commissioner or trustees for common school purposes.
50. Debts due common school fund, have preference over all other debts, except funeral and other expenses of last sickness.
51. Township treasurer to receive and keep all moneys, books, papers, &c., belonging to his township, and to loan money not required for distribution at 8 per cent. semi-annually in advance, taking bond and security therefor.
52. Default made in payment of inter-

SECTION

est, or principal; interest at 10 per cent. on principal to be charged from day of default.

53. Commissioner and trustees to bring action for recovery of half yearly interest, without suing for principal; justices of the peace have jurisdiction in all sums under \$100.

54. Township treasurer to furnish commissioner on or before first Monday in October with the number of free white children, between the ages of 18, and 5, years in his district; how many go to school; how many schools, and amount of school fund.

55. Commissioner or trustees, plaintiff's suing as such unsuccessfully, no

SECTION

costs to be assessed against them.

56. Commissioner to receive 2 per cent. for his services on all moneys coming into his hands, and the several treasurers one per cent.

57. All laws in conflict with this act, (except an act approved 27th Dec., 1852, and special laws relating to particular school sections), repealed; provided an act to blend the school fund of Arkansas and White counties, shall not be affected by this act; Searcey county exempt from provisions of this act; Chicot and Union counties subject to provisions of this act. This act in force from and after its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That section numbered sixteen, in every township in this State, granted by the United States, for the use of schools, and such sections as have been or may be granted as aforesaid, in lieu of section numbered sixteen, and also the lands which have been, or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships, in which there is no section numbered sixteen, or where such section shall contain the proper quantity for the use of schools in such fractional townships, shall be held as common school lands, and the provisions of this act relating to school lands shall be construed to apply to the lands aforesaid.

SEC. 2. That the common school lands of this state shall be under the care and control of the several counties in which the same may be situated, except that where any township lies in more than one county, the business of the township, relating to common schools, shall be transacted in the county containing the greater portion of such townships: *Provided*, The county containing the smaller portion of said township shall not be deprived of its equitable share of the common school fund of said township.

SEC. 3. That if any person shall, without being duly authorized cut, destroy, or carry away, any timber, standing or being upon any school lands, such person shall forfeit and pay for every such offence, the sum of ten dollars; which penalty shall be recovered, with costs of suit, by action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount, or in the circuit court, either in the corporate name of the trustees of the schools of the township to which the land belongs or by action in the name of any person who will sue for the same; one-half for the use of the person suing, and the other half to the use of the township aforesaid.

SEC. 4. That when two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon the school lands

shall be liable to indictment, and, upon conviction thereof, fined in three times the amount of damages done, and shall stand committed as in other cases of misdemeanors. All fines and penalties imposed under this act, shall be paid as herein provided, to the township treasurer, and be added to the township fund.

SEC. 5. It shall be the duty of said county commissioners, in all cases where the sixteenth section has been sold or otherwise disposed of by the United States, to select other lands in lieu thereof, and equivalent thereto, and as contiguous as may be, for the use of common schools in said township, and a certificate of such selection shall be filed by such commissioner, with the register of the land office, in his land district.

SEC. 6. That on the first Monday in August next, and on the first Monday in August every two years thereafter, there shall be elected by the qualified voters, one common school commissioner for each and every county in this state, who shall perform the duties herein required. He shall, before entering upon his duty, execute a bond payable to the State of Arkansas, with two or more responsible free-holders, as security, to be approved by the county court of each county, in a penalty of not less than ten thousand dollars, to be increased at the discretion of said court, in proportion to his responsibilities, conditioned that he will faithfully perform all the duties of common school commissioner of said county, according to the laws which are or may be in force; by which bond the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the trustees of common schools of the township injured by any breach thereof.

SEC. 7. The bond required in the foregoing section, shall be in the following form, viz:

STATE OF ARKANSAS, }
County of ———. } ss.

Know all men by these presents, That we, ———, as principal, and ——— and ———, as securities, are held and firmly bound, jointly and severally, to the State of Arkansas, in the penal sum of ——— dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by the presents. In witness whereof, we have hereunto set our hands and seal, this — day of ———, A. D. 18—.

The condition of the above obligation is such, that if the above A. B., common school commissioner of the county aforesaid, shall faithfully discharge all the duties of said office, according to law, and shall deliver over to his successor in office, all the moneys, books, papers and property of every kind, in his hands, as such common school commissioner, then this obligation to be void, otherwise to remain in full force and effect.

A———— B————, [L.S.]
F———— E————, [L.S.]
G———— H————, [L.S.]

SEC. 8. Said commissioner shall have the general supervision of all the common schools in his county, and shall advise and assist the trustees of the several townships in said county in the performance of their duty. He shall, from time to time, as he may deem it proper for the interest of common schools, address letters to said trustees, giving advice as to the best manner of conducting common schools, constructing school houses and procuring competent teachers. He shall recommend the most approved text books, maps, charts and apparatus, and shall urge uniformity in the use of the same, as well as in the manner of conducting common schools throughout the county, and shall use his influence to reduce to a punctual system the means of supporting common schools in the state.

SEC. 9. The secretary of state shall be "ex-officio," state commissioner of common schools for this state; and shall, on or before the first Monday of November, in every year, report to the governor the condition of common schools in the several counties of the state; the number of schools in each county; the number taught by males, and the number taught by females; the whole number at school, and the number of free white children under the age of eighteen and over five years; the amount of state, county and township funds; the amount annually expended for common schools; the amount collected by taxation, if any; the number of teachers employed, and what price per month, quarter, or session of five months; the number of school houses, together with such other information and suggestions as he may deem important in relation to the school laws and the best means of promoting and disseminating education throughout the state; which report the governor shall lay before the General Assembly of this state, at each regular session.

SEC. 10. That it shall be the duty of the common school commissioners of the several counties of this state, on or before the first Monday in October, in each and every year, to communicate to the state commissioner of common schools all such information upon the subject of common schools, in his county, as the state commissioner is bound to embody in his annual report to the governor, and such other information as said commissioner may require, with any suggestions that the county commissioner shall deem necessary and beneficial to common schools in his county, or the state.

SEC. 11. All contested elections of common school commissioners shall be decided in the same manner that contested elections of clerks and sheriffs in the several counties are now decided, under the general election laws of this state; and when any vacancy shall occur in the office of said commissioners, it shall be the duty of the county court, at its next session, to fill said vacancy.

SEC. 12. The county commissioner shall attend to the collection of all demands in favor of the several townships of his county,

to settling the accounts of trustees, and when necessary, to the prosecution of suits for the recovery of all demands in favor of townships, and all moneys collected shall be applied as required by the provisions of this act.

SEC. 13. The said commissioner shall be liable to removal by the county court for any violation of law or omission of duty; and if a majority of said court shall, at any time, be satisfied that said commissioner's bond is insufficient, it shall be his duty, upon ten days' notice thereof, to execute a new bond, to be approved of by the county court, or the clerk thereof in vacation, and to be payable and conditioned as the first bond, the execution of which shall not effect the original bond, or the liability of the security thereon; and if he shall fail, refuse or omit to enter into a new bond, then, and in that case his office shall be deemed vacant, to be filled as hereinbefore provided for.

SEC. 14. The said commissioner shall provide four well bound books, to be designated by the letters A, B, C, D, for the following purposes: In book A, he shall record at length, all petitions presented to him for the sale of common school lands, and the subdivision of said lands by, or under the direction of the trustees of township schools, which may be divided into forty acre tracts, if the interest of the school fund shall require it. In book B, he shall keep an account of all sales of common school lands, which shall contain the date of sale, name of the purchaser, description of the land, and the amount sold for.

SEC. 15. In book C, he shall keep a regular account of money received for land sold and paid to township treasurers, or loaned out as authorized by law; the person to whom loaned; the time for which the loan was made; the rate of interest; the names of securities, when personal security is taken, or, if real estate is taken as security, a description of said real estate; the list of sales and the accounts of each township fund shall be kept separate. In book D, he shall keep a just and true account of all moneys received, and on what account, and the amount paid out, to whom, when, and for what such money was disbursed. Said books shall be paid for out of the county treasuries of the several counties of this state, and in which the books may be used.

SEC. 16. Whenever the bond of the township treasurer, approved by the trustees of schools, as required by law, shall be delivered by said trustees, or either of them, to the common school commissioner, he shall receive and file the same with the papers of his office. He shall then, on demand, deliver to said township treasurer, who shall receipt therefor, all moneys in his hands belonging to said township; also all bonds, notes, mortgages, securities, and property of every kind, for money due, or to become due the township, and all papers of every description belonging, or in any wise pertaining to the rights or interests of the said township; and the receipt of said treasurer to the common school commissioner shall

be carefully preserved, and shall be evidence of the facts therein stated, as well in favor of the common school commissioner as against the township treasurer.

SEC. 17. The funds which accrue from the sale of the seminary lands, and which may hereafter accrue from the saline lands of this state, and all other moneys that now belong, or which may hereafter be vested in the school fund by any law of this state, shall be, by the several depositaries of such funds, paid over to the several county commissioners of this state, who shall receipt for the same; and shall apportion said funds to the several townships of his county, agreeable to the number of free white children in the townships under the age of eighteen and over the age of five years; and he shall pay over the distributive shares to the respective township treasurers every year. When there shall be a county school fund in the hands of any common school commissioner, it shall be loaned and the interest applied as provided in this act.

SEC. 18. Each and every common school commissioner shall be ex-officio superintendent of common schools in his county, and shall visit all the schools at least once a year, or oftener, in his county; enquire into the manner of conducting the same, and use his influence to carry out a uniform system of education. He shall call to his assistance such competent person as he may desire to associate with him; upon application, examine all persons proposing to teach a common school in any township in his county, in relation to his or her moral character, and touching his or her qualifications to teach orthography, reading in English, penmanship, arithmetic, English grammar, geography and the history of the United States, or any or either of them, as the applicant shall propose, and if the applicant shall be found well qualified to teach such branches, said commissioner shall give him or her a certificate of qualification, which certificate shall be good and valid in said county for one year from the date thereof; and if the person proposing to teach be found incompetent, the commissioner shall not issue a certificate, nor allow such person to teach a common school in the county and receive any part of the common school fund as pay for teaching. The certificate to teachers shall be in the following form, to wit:

I —, common school commissioner of — county, having examined A. B., do certify that he (or she) sustains a good moral character, and that he (or she) is well qualified to teach the following branches, viz: (here insert the branches.)

Witness my hand and seal, this — day of —, 18—.

C. D., Commissioner.

SEC. 19. That it shall be the duty of the several county treasurers of the state to pay over to the said common school commissioner, the moneys which have heretofore accrued, and which may hereafter accrue from escheats, fines for false imprisonment, assault and battery, breach of the peace, trespass on real property, for

fraudulent pretences and gaming, and all fines inflicted for the suppression of vice and immorality; and the county courts of the several counties of this state are thereby directed to make an order upon the several county treasurers to pay over such money's to said commissioners, for the use of schools in the several townships in this state; *Provided*, That nothing in this section shall be so construed as to repeal, alter, or amend the act passed at the present session of the General Assembly, entitled "an act for the benefit of Lawrence county, and for other purposes."

SEC. 20. Said commissioner upon his removal, resignation, expiration of his term of service, his representatives on his death, shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office, or subject to the control or disposition of the common school commissioner.

SEC. 21. When the inhabitants of any township or fractional township, shall desire the sale of the common school land of the township or fractional township, they shall petition the common school commissioner of their county for the sale thereof, which petition shall be signed by a majority of the white male inhabitants over twenty-one years of age.

SEC. 22. When the petition is delivered to said commissioner, as aforesaid, he shall notify the trustees of the school of said township, and said trustees shall immediately proceed to divide the land into forty acre tracts; and after making such division, a statement or plat of the same, and number of each tract shall be made, so that the boundaries may be defined and ascertained; which statement or plat of the sections shall be delivered to said county commissioner, and shall govern him in advertising and selling said lands; *Provided*, That the trustees of any school township in this state may call the county surveyor of their county to assist them in such survey; he shall be allowed and paid out of the interest of the funds arising out of the sale of such school lands by the county commissioner, as he is allowed by law for similar services, and the receipt of such surveyor to said commissioner shall be a sufficient voucher for the money so paid.

SEC. 23. In sub-dividing school lands for sale, no tract shall contain more than eighty acres, and the division into town or village lots, with roads, streets or alleys, between and through them; and all such divisions, heretofore made, are hereby declared legal, and all such roads, streets and alleys public highways.

SEC. 24. The terms of selling school lands shall be to the highest bidder, on a credit of not less than one nor more than five years, the purchaser giving bond with approved security, and paying interest semi-annually in advance, at the rate of eight per cent. per annum; and said commissioner may take mortgages, or deeds of trust upon land or negroes, more effectually to secure the payment thereof; and where said purchaser shall fail to pay two installments of interest upon said purchase money, he shall forfeit such purchase,

and it shall be the duty of the commissioner of said township to offer such land for sale again, as in other cases under this act: *Provided*, Any person may pay the amount in cash, for which said land was sold.

SEC. 25. The place of selling common school land shall be at the court house of the county in which the land is situated; and upon receiving a statement of the division of said sixteenth section into tracts or lots, with a plat of the same, said commissioner shall proceed to advertise the said land for sale in tracts and lots as divided and laid off by said trustees, by putting up notices thereof in at least six public places in the county, sixty days next anterior to the day of sale; in which notice he shall describe the land and state the time, terms, and place of sale, and if any newspaper is published in said county, said notice shall be published therein for four weeks before the day of sale; and sales of land shall be made between the hours of ten and four of the clock.

SEC. 26. All lands not sold at public sale at two dollars per acre, or more, after having been twice offered as prescribed in this act, the commissioners are authorized and required, when in their power, to sell all such lands at private sale; upon the terms and at the price at which they were offered at public sale; *Provided*, That no common school lands shall be sold at less than one dollar and twenty-five cents per acre: *And provided, further*, That no common school lands shall be offered at public sale more than twice in any one year.

SEC. 27. Upon the completion of every sale by the purchaser, the common school commissioner shall enter the same in book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and stating the price for which the same was sold, which certificate shall be evidence of the facts therein stated.

SEC. 28. At the spring term of the county court of each county in this state, every year, the common school commissioner shall make a statement to the court of his county, showing the sales of school lands made subsequent to the previous spring term, which shall be a true copy of sale book B; second, statement showing the amount of money received, paid, loaned out and on hand, belonging to every township under his control; the statement of each fund to be separate; third, statements copied from his loan book C, showing all the facts in regard to lands, which are required to be stated upon the loan book, all of which the court shall examine and compare with the vouchers.

SEC. 29. The common school commissioner shall also, at the time prescribed by this act, transmit to the secretary of state a full and exact transcript of book B, of the sales made subsequent to each report. The statements in section twenty-eight hereof required to be presented to the county court, shall be preserved and copied by the clerk of said court into a well bound book kept for that pur-

pose, and the list transmitted to the secretary of state shall be by him preserved in like manner.

SEC. 30. Every purchaser of common school land shall be entitled to a patent from the state, after the purchase money for such land shall be paid, conveying and assuring the title. Patents shall be made out by the secretary of state from returns made to him by the common school commissioner, shall be in the name of, and signed by the governor, countersigned by the secretary of state, with the seal of the state affixed; and the patent shall moreover contain a description of the land so granted. When patents are executed as herein required, the secretary of state shall note on the list of sales the date of each patent, so as to perpetuate its date and delivery, and transmit the same to the common school commissioner of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase, which certificate shall be transmitted to the secretary of state, who shall preserve and file the same in his office as school commissioner for the state at large.

SEC. 31. Each congressional township in this state, as surveyed and layed off by the United States, is hereby established a district of common school purposes. The business of the district shall be done by three trustees to be elected by the householders of the district, and the said township, or district, upon the election of trustees, as aforesaid, and as hereinafter provided for, shall be a body politic by the name and style of the "Trustees of schools of township No. —, and range No. —." The said corporation shall have perpetual existence, and shall have power to sue and be sued, to plead and be impleaded, in all courts and places where judicial proceedings are had in this state. Said trustees shall be elected for two years and continue in office until their successors are elected and qualified to enter upon the duties of their office.

SEC. 32. No person shall be eligible to the office of trustee of common schools for his district unless he shall be a free white person, and shall have attained the age of twenty-one years, and shall be a resident of the township for which he is elected.

SEC. 33. That whenever a majority of the householders of any congressional township petition the commissioner for that purpose, he shall order an election to be held in such township for the election of three trustees, who shall hold their offices for the term of two years and until their successors are elected and qualified; which election shall, in all respects, be conducted as other elections; and the returns thereof shall be made to the common school commissioner of said county; *Provided*, The first election shall be held on the first Monday in August next, and every two years thereafter.

SEC. 34. It shall be the duty of the common school commissioner to make out and furnish to each person so elected such trustee, a certificate of his election, and also to make a return within five

days thereafter, to the clerk of the county court, of the names of the person so elected duly certified.

Sec. 35. That if the householders of a township shall elect to prefer the common school commissioner to discharge the duties of trustees of common schools in relation to keeping and loaning the common school funds of the township, the common school commissioner in the management of the township school funds, shall be, in all respects, governed by the law in the management of said funds, as provided for the government of the trustees of common schools and district treasurers.

Sec. 36. The time and manner of opening, conducting and closing said elections, and the several duties appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections shall be the same as prescribed by the general election laws of this state, defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act; *Provided*, The judges shall close said election by five o'clock, p. m.

Sec. 37. When a vacancy shall occur in the board of trustees of common schools, the remaining trustees shall order an election to fill such vacancy, notice being given as required by this act in the election of commissioner.

Sec. 38. Upon the election of trustees the judges of such election shall cause the poll books to be delivered to the common school commissioner of the county, with a certificate thereon, showing the election of said trustees and the names of the persons elected; which poll book, with the certificate, shall be filed by said commissioner, and shall be evidence of such election.

Sec. 39. The trustees of common schools elected as aforesaid, shall be successors to the township commissioners elected under the provisions of an act to amend the common school system in this state, approved January 11th, 1851.

Sec. 40. All rights of property, rights of causes of action, existing or vested in the township commissioners as aforesaid, for the use of schools in said townships, shall vest in the trustees under this act as their successors, in as full and complete a manner as was vested in said commissioners appointed or elected as aforesaid.

Sec. 41. The trustees of schools shall meet quarterly on the first Saturdays in January, April, July and October, and oftener if necessary, at some convenient place in the township, for the transaction of business; at any of which meetings two shall constitute a quorum to do business.

Sec. 42. At their quarterly meetings on the first Saturdays in January, April, July, and October, the trustees of common schools shall proceed to ascertain the amount of funds in the hands of county commissioner and township treasurer, belonging to, and subject to distribution to such township, for the use of schools; and the county commissioner is hereby required to render to said trus-

tees a written statement showing the interest, rents and profits arising from the township fund, the amount due from the seminary and saline fund, and the amount due from escheats, fines and forfeitures, and shall apportion the same, if there be more than one common school in said school district, among the several common schools, according to the number of children that each common school shall contain, which amount so apportioned shall be paid to the several common schools by the township treasurers, as shall be directed by the trustees of said school districts. Said trustees of common schools shall also make such orders, not contrary to law, for the collection of funds due, as in their judgment shall best guard the interests of said fund.

✓ SEC. 43. The trustees at the first meeting of the board shall appoint a treasurer of the board, to be called the township treasurer, who shall be one of their number. Said treasurer shall, before entering upon his duties, execute a bond, with two or more responsible securities, payable to the commissioner of the county, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer, in township —, range —, according to law. The securities shall be approved by the trustees of the proper township, and the bond shall be delivered by said trustees to the common school commissioner of the county; and every township treasurer appointed subsequently, as herein provided, shall execute a bond with security, as required of the first treasurer.

✓ SEC. 44. The trustees of common schools shall cause all moneys for the use of the township, to be paid over to the treasurer. A majority of said trustees shall have power to remove the township treasurer, at any time, for any failure or refusal to execute or comply with any orders or requisitions of said trustees of common schools, legally made, or any other improper conduct in the discharge of his duty as treasurer. The trustees shall have power, for any failure or refusal, as aforesaid, to sue him upon his bond as provided by this act.

SEC. 45. That the trustees of common schools shall have power, and it shall be their duty, to lay off the township, or fractional township, into school districts, suited to the convenience and wishes of a majority of the householders in each district, defining the same by boundaries and numbers, to be filed with and recorded by the county commissioner. in a book to be kept for that purpose.

SEC. 46. The trustees of common schools shall have power to purchase, or receive donations, and hold real estate in their names, for the use of the householders of the district where such real estate is situated, upon which to erect school houses, to be paid for out of the funds belonging to said district; *Provided*, That a majority of the householders of any congressional township may have the right, when there is money on hand to be used for common school purpo-

ses, to use any school house in said township that may be offered them.

SEC. 47. It shall be the duty of said trustees to adopt such by-laws, rules and regulations, as they may deem necessary for conducting common schools, and to do and perform all other acts necessary to the support and maintenance of common schools in their respective districts, in conformity with the provisions of this act.

SEC. 48. That all guardians, residing in any township in any county, having the control of any ward or wards eligible to the common schools, shall be, and they are hereby required to send such ward or wards to some good school, if any common school be taught in the township in which the ward or wards reside, at least one-fourth of the time said common school may be taught in said township; and should any guardian, having the control of any ward or wards, eligible to the common schools, and failing or refusing to send said ward or wards to some good school, at least one-fourth of the time for which said common school may be taught in the township in which said ward or wards reside, then, in that case, such guardian or guardians shall forfeit, and pay a fine of not less than five nor more than twenty-five dollars, out of his own proper moneys, to the use of the common school fund; which said fine shall be collected at the suit of the county commissioner, before any justice of the peace of the proper county, in an action of debt; *Provided*, That nothing contained in this section shall be so construed as to prevent any guardian from sending their ward or wards to any school they may prefer or select; *And provided further*, That said fine and penalty shall not be inflicted where a good and sufficient reason is shown for not sending to school as aforesaid.

SEC. 49. The school commissioners and trustees of common school districts are hereby vested with general power and authority to purchase real estate, if in their opinion the district fund will be promoted thereby, in satisfaction of any judgment or decree wherein the trustees of common schools, or common school commissioner, are plaintiffs or complainants; and the title of such real estate so purchased, shall vest in said common school commissioner or trustees, for the use of the inhabitants of said township for common school purposes.

SEC. 50. That in the payment of debts by executors and administrators, the debts due the common school fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness; and it shall be the duty of said commissioner, or township treasurer, to attend at the probate court, upon the proper day, as other creditors, and have any debts due as aforesaid, allowed and classed as now required by law.

SEC. 51. The township treasurer shall demand, receive, and safely keep according to law, all moneys, books and papers, of every description, belonging to his township; and if at any time, there

shall be any fund on hand not required for distribution, as required by this act, he shall loan the same out, on bond with approved security, at eight per cent. per annum, payable semi-annually in advance, until the same shall be required for distribution, as required under the provisions of this act.

SEC. 52. If default be made in the regular payment of interest due upon money loaned, or for lands sold by any common school commissioner, or township treasurer, or in the payment of the principal, interest at the rate of ten per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment, in suits or actions brought upon the obligation to enforce payment thereof; and interest, as aforesaid, may be recovered in action brought to recover interest only.

SEC. 53. And the said county commissioner and trustees are hereby authorized to bring appropriate actions in the name of such commissioner, or trustees, as the case may be, for the recovery of half-yearly interest when due and unpaid, without suing for the principal, in whatever form secured; and justices of the peace shall have jurisdiction in such cases in all sums under one hundred dollars.

SEC. 54. It shall be the duty of each and every township treasurer in this state, on, or before the first Monday in October, in each year, to furnish the county commissioner with an abstract of the whole number of free white children under eighteen and over five years of age, residing in his township or school district; how many are going to school; how many schools are organized within his district; the amount of school fund, its condition, how applied, and what amount is loaned out, and the rate of interest upon the same.

SEC. 55. No justice of the peace, probate judge, constable, clerk of a court, or sheriff, shall charge any costs in any suit where any agent, trustee, or common school commissioner of any common school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be, from any cause, unsuccessful in such suit.

SEC. 56. That the several common school commissioners elected under this act, shall receive two per cent. upon all moneys which may come to his hands for his services as said commissioner; and the several treasurers of common school districts elected shall receive one per cent. on all the funds coming to their hands under the provisions of this act.

SEC. 57. That all laws coming in conflict with this act, either general, local or special, (except an act passed at this session of the General Assembly, entitled "An act to specifically define the law governing the management and disposition of section sixteen, in township thirteen north, in range six west," approved 27th December, 1852, which is hereby exempted from the provisions of this

act, and exempting all other special laws, or supplement to any special law now in force in this state, touching, affecting, or regulating the management of particular school sections throughout this state), be, and the same are hereby repealed; *Provided*, That nothing herein contained, shall be so construed as to repeal an act passed at the present session of the General Assembly, entitled "An act to blend all the school funds in the counties of Arkansas and White, in support of common schools; *Provided further*, That the county of Searcy be, and is hereby exempted from the provisions of this act; *And provided further*, That the counties of Chicot and Union shall be subject to the provisions of this act. And this act shall take effect and be in force from and after its passage.

Approved 11th January, 1853.

An act supplementary to an act entitled "An act to revive the Common School System in the State of Arkansas," passed and approved the present Session.

SECTION

1. Repeals so much of the act approved during the present session, as constitutes trustees of common schools a corporation with perpet-

SECTION

ual succession; said trustees a corporation with succession of ninety-nine years from date of this act; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That so much of the 31st section of an act entitled "An act to revive the common school system in the State of Arkansas," passed and approved during the present session of the General Assembly, as provides that the trustees of the common schools in this state shall be a corporation, with perpetual succession, be and the same is hereby repealed; and the said trustees of common schools in said act named, shall be a corporation with a succession of ninety-nine years, from the date of the approval of this act; and that this act shall be in force, and take effect, from and after its passage.

Approved 11th January, 1853.

An act amendatory of the Common School Law, so far as relates to the county of Hot Spring.

SECTION

1. Moneys arising from fines for false imprisonment, assaults, assault and battery, &c., to be paid into county treasury to defray contingent ex-

SECTION

penses.
2. Repeals laws in conflict with this act; this act in full force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That all moneys hereafter arising from all fines for false imprisonment, assaults, assaults and battery, breach of the peace, trespass on real or personal property, for fraudulent pretences and gaming, for all fines for the suppression of vice and immorality, and all state and county funds arising from licenses granted to pedlers and hawkers, ferrymen, tavern keepers, and grocery keepers, and owners of ten pin-alleys and billiard tables, and from penalties from estray bonds, in the county of Hot Spring, shall, when collected, be paid into the treasury thereof for the purpose of defraying the contingent expenses of said county.

SEC. 2. *Be it further enacted*, That all laws, or parts of laws, conflicting with this act are hereby repealed; and that this act take effect and be in full force from and after its passage.

Approved 12th January, 1853.

An act making appropriations for the years 1852, 1853 and 1854.

SECTION

1. General appropriations for 1852, 1853, and 1854.
2. Supreme court clerk's pay \$3 per day.
3. Reports of decisions of courts of other states and of the U. States, in

SECTION

- secretary's office, a part of supreme court library.
4. All laws and parts of laws contrary to this act repealed; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the following sums of money be, and the same are hereby appropriated out of any moneys in, or which shall be in the treasury of this state, not otherwise appropriated, to-wit:

1. To pay the salary of the governor, the sum of three thousand and six hundred dollars.
2. To pay the private secretary of the governor, the sum of one thousand dollars.
3. To pay the salary of the state treasurer, the sum of one thousand and six hundred dollars; and to pay John H. Crease, for extra services, rendered as treasurer of the state, the further sum of five hundred dollars.
5. To pay the salary of auditor of public accounts, the sum of two thousand four hundred dollars.
6. To pay the contingent expenses of the office of auditor of public accounts, the sum of one thousand and five hundred dollars; and to pay the contingent expenses of the office of state treasurer, the sum of six hundred dollars.
7. To pay the salaries of the judges of the supreme court, the sum of twelve thousand and five hundred dollars.
8. To pay the salaries of the judges of the circuit courts, the sum of eighteen thousand dollars.
9. To pay the salaries of prosecuting attorneys, and prosecuting attorneys *pro tempore*, the sum of three thousand dollars.

10. To pay for advertising lands for sale for taxes, by the auditor of public accounts, the sum of five hundred dollars.

11. To pay United States' land officers for lists of land, entered at their offices, the sum of five hundred dollars.

12. To pay for the necessary repairs on the public buildings, to be expended under the direction of the secretary of state, the sum of five hundred dollars.

13. To pay for printing, binding and distributing the decisions of the supreme court, the sum of two thousand dollars.

14. To pay the salary of the reporter of the decisions of the supreme court, the sum of four hundred dollars.

15. To pay clerk hire in the office of auditor of public accounts, the sum of two thousand four hundred dollars.

16. To pay for printing, stitching and distributing the acts and journals of the present General Assembly, the sum of six thousand dollars.

17. To pay the contingent expenses of the senate and house of representatives, the sum of two thousand and five hundred dollars; the bills or accounts to be certified by the secretary of the senate, and principal clerk of the house, for the expenses of their respective houses, and audited as other accounts are by the auditor of public accounts, and paid by the treasurer.

18. To pay the contingent expenses of the executive department, including only the offices of governor and secretary of state, the sum of eight thousand dollars.

19. To pay the expenses of the supreme court of the State of Arkansas, the sum of three thousand dollars; *Provided*, That one of the judges of the supreme court shall certify to the correctness of all accounts; and, if found correct by the auditor of public accounts, he shall issue his warrant for the same on the treasurer.

20. For the supreme court library, the sum of four hundred dollars.

21. To pay for repairs of new roofing the supreme court room, the sum of one thousand dollars; the repairs to be made under the superintendence of the clerk of the supreme court, and drawn for as is usual in the office of the auditor of public accounts.

22. To pay the funeral expenses of the late Hon. J. A. Lovejoy, to be paid to the Hon. G. W. Underhill, on the warrant of the auditor of public accounts, the sum of one hundred and seven dollars and fifty cents; also, to erect a suitable monument over the grave of said deceased, the sum of fifty dollars, to be expended under the direction of the secretary of state, and to be drawn for as aforesaid.

23. To pay special judges of the supreme court, the sum of two thousand dollars.

24. To pay E. W. McCracken for patching and coal tarring the roof of the state house, to be certified by the secretary of state, the sum of three hundred and sixty-five dollars.

25. That the salary of the reporter of the decisions of the su-

preme court be increased to four hundred dollars a year, and that the sum of four hundred dollars, in addition to the sum of four hundred dollars appropriated by the fourteenth appropriation of this section, be, and the same is hereby appropriated to pay the same.

26. To pay J. H. Hammock for the apprehension of Rodgers, an escaped convict, the sum of fifty dollars.

27. That the secretary of the senate, and clerk of the house of representatives, be paid ten cents for each one hundred words, for copying the journals of the senate and house of representatives.

28. To pay bank officers, the sum of five thousand dollars.

29. To pay the doorkeeper of the house of representatives, in addition to the compensation now allowed by law, the further sum of one hundred and twenty-five dollars, for extra services, and for employment of an assistant doorkeeper for sixty-nine days; and to pay Alexander Fry, for extra services as doorkeeper of the senate, the sum of one hundred dollars.

30. To pay all costs which have been, or shall be adjudged against the state bank of the State of Arkansas; *Provided*, That all accounts for such costs shall be certified by the proper officer or attorney, as required by law, the sum of one thousand dollars.

31. To pay Jonas M. Tibbetts for services as assistant secretary of the senate for ten days, the account to be certified by the secretary of state, the sum of fifty dollars.

32. For building a wall round the penitentiary house in this state, the sum of twenty-six thousand and five hundred dollars.

33. To pay Tilford Denton the amount expended by said Denton in paying lawyer's fees and costs in four cases of suits, brought against him for false imprisonment, brought in the Marion circuit court, whilst engaged in the military service of the State of Arkansas, in suppressing disturbances in Marion county, in the year 1849, the sum of one hundred and fifty dollars.

34. To pay Luke E. Barber, clerk of the supreme court, for costs accruing at the instance of the state in suits in which the state was a party, and costs were adjudged against her, the sum of one hundred and forty-nine dollars and twenty-seven cents.

35. To pay the secretary of the senate for enrolling and engrossing bills during the present session, the sum of one hundred dollars.

36. To pay the secretary of state for copying the laws passed at this session of the General Assembly, and for copying and certifying resolutions, and transmitting the same to our delegation in congress, and for reading the proof sheets of all laws passed at this session, and for distributing the acts and journals, the sum of two hundred and fifty dollars.

37. To pay costs that have, or may hereafter accrue in the case now pending between Robinson Lytle and others, complainants, and the State of Arkansas and others, defendants, to be drawn and paid upon the certificate of the attorney general, from time to time,

which certified accounts shall be sufficient vouchers for the auditor, the sum of three hundred dollars.

SEC. 2. *Be it further enacted*, That the per diem pay of the clerk of the supreme court shall be three dollars.

SEC. 3. *Be it further enacted*, That all the reports of the decisions of the courts of other states, and of the United States, now in the office of the secretary of state, or hereafter deposited therein, be transferred to, and constitute a part of the supreme court library.

SEC. 4. *And Be it further enacted*, That all laws and parts of laws, contrary to the provisions of this act, be, and they are hereby repealed; and this act shall be in force from and after its passage.

Approved 11th January, 1853.

An act amendatory of existing laws regulating the Landed Interests of this State.

SECTION.

1. Landed interest of the state to be controlled as hereinafter provided.
2. Auditor to keep in his office books and plats of lands taken up by the state, of the 500,000 acre grant; also of the seminary lands; also of saline lands; also of swamp and overflowed lands.
3. Auditor to make out for each township in which are any of the above described lands, township maps, and classify them, and deliver the same to the land agents.
4. Establishes five offices for sale and entry of the lands of this state.
5. General Assembly at present session, and once every two years thereafter, to elect agent for each of the districts, who shall take oath to faithfully discharge his duty, and give bond to the state, not less than \$10,000.
6. Land agent possess like powers and governed by same rules, and requirements of law, which control state agent in sale of the 500,000 acre grant; and in disposition of seminary lands by such laws as may be enacted.
7. Land agents have power and authority to sell swamp and overflowed lands.
8. Land agents furnished with the maps and plats, shall advertise the swamp and overflowed lands in their respective districts for sale by posting hand bills at the door of the court

SECTION.

- house, and by publication in two newspapers in the state for six weeks before day of sale.
9. Lands to be offered in quarter and half sections.
10. Heads of families, settlers upon swamp lands, have pre-emption right; pre-emption only to actual settler or improver; failing to enter by day of sale, such right lost, and land to be sold; agents to notify pre-emptors of their right.
11. Persons making settlement after day of sale on unsold land, and within 30 days filing with agent a declaration for pre-emption, shall be entitled thereto for 12 months, and to enter, in preference to others at minimum price.
12. Lands not sold at public sale may be entered at any time thereafter; agent to give certificate of entry.
13. On day of sale agent to employ a clerk and pay out of proceeds of sale.
14. Salary of land agents, \$800 each, to be paid out of lands sold.
15. Land agents to enter in a book each location or purchase, specify tract sold, to whom, the price, and how paid for.
16. Each agent to make a report to the auditor every 6 months, and make settlement with auditor at the end of each 6 months; and pay to treasurer all money and scrip chargeable to him.

SECTION.

17. Agent in default, attorney to move circuit court for judgment against said securities for amount in default; court shall render judgment and 12½ per cent. damages, and 6 per cent. interest, in name of the state and for use of fund to which retained amount belonged.
18. Agent in default deemed guilty of misdemeanor, and on conviction fined not less than \$50 nor more than \$500 for use of state. Governor may dismiss defaulting agent.
19. In case of vacancy, governor to appoint successor, to hold office till successor elected, to give bond and security under same liabilities as those elected.
20. Auditor to furnish land agents with forms of entries, locations of entry.
21. Lands sold for scrip, scrip to be transferred to state, attested by land agent; such scrip equivalent to amount of money therein called for.
22. Auditor to prepare patents for land sold, patent signed by governor and recorded by auditor; fee \$1.
23. Auditor entitled to fee of \$1 for all certified transcript, except to other officers of state in official business.
24. Certified transcripts from office of auditor or of land agents, to be received in evidence in courts of this state.
25. General Assembly to elect every two years, three swamp land commissioners, who shall take oath and give bond to the state, approved by the governor, in \$20,000 for the faithful discharge of their duties.
26. Swamp land commissioners to divide state into five districts.
27. Commissioners at regular meeting to adjust accounts for levee or other work, and give certified statement of the amount, upon presentation of which, auditor to issue warrant, which the treasurer shall pay out of money from sale of swamp or overflowed lands; in case no such funds are in treasury, then, scrip to issue, receivable for such lands.
28. Such scrip to be numbered, and the warrant numbered to correspond, with the word "satisfied" written across the face.
29. Accounts of swamp land commissioners to be audited by auditor; commissioner failing to make returns to the office of auditor or making false returns, deemed guilty of misdemeanor, and on conviction fined not more than \$500, and im-

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- prisoned not less than one month, nor more than one year.
30. Commissioners may employ engineers to lay out levees, &c.
31. Present commissioners to file with auditor by 1st April next, an accurate list of swamp and overflowed lands disposed of by them with a proper description of same, to whom sold, class of each tract, &c.
32. Office of commissioners located at Helena, secretary of board to give bond in \$10,000; commissioners may change location of office to a point convenient to greatest amount of work.
33. On 1st Monday in January commissioners to transmit auditor a list of lands reclaimed, that same may be taxed.
34. Auditor to transmit said list to sheriffs of counties in which are said lands, who shall assess same.
35. Cutting, destroying or removing timber from such lands, subjects trespasser to fine in double the value, and imprisonment not less than two nor more than 20 days; not to apply to settler on said lands, when used for farming purposes.
36. Destroying or injuring levees, subjects trespasser to indictment in circuit court, and on conviction, to imprisonment not less than one year, and payment of damages, this and the preceding section to be given in charge to grand juries throughout the state.
37. Pre-emptor to make proof of *bona fide* settlement, before land agent or justice or the peace, by two witnesses.
38. Act not to alter or change existing laws, until election of officers herein provided for, and until auditor shall furnish land agents with the maps and plats required.
39. Persons having entered swamp or overflowed lands at U.S. land office, to have exclusive right for 12 months to purchase same at prices fixed by commissioners.
40. Levee contractors to have right of way, shall give bond and security for performance of contract, and pay damages to state or individuals for non-performance; owners of land dissatisfied with location of levee, to notify commissioners of intention to claim damages; commissioner to apply to sheriff for a jury, who shall be disinterested, and take oath to impartially, view land and

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assess damages, verdict entered on back of inquisition, and filed in clerk's office of circuit court, and bar both parties from an appeal; if jury find for owner, owner shall have credit for damages, and proper officer to issue scrip for same, to be taken in payment for swamp and overflowed lands.

41. Commissioners to review levee now or hereafter constructed, and if any levee requires raising, cause the same to be done so as to raise the levee 30 inches above high water mark, and make new levees where old is washed away.

SECTION

42. Commissioners to make cut-offs; no cut-off to throw Arkansas river from town of Pine Bluff; any person injured by cut-off may recover damages as hereinbefore provided.

43. Books, maps and charts of swamp lands to be paid for out of swamp land fund; and expenses relating to saline, seminary and improvement land paid out of their respective funds.

44. Scrip to be located in district where the work was done; no scrip shall be floated to another district till all work necessary for redemption of land is done.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the entire landed interest of this state shall hereafter be controlled and managed as hereinafter provided.

SEC. 2. *Be it further enacted,* That the auditor of the state shall procure and keep in his office a well bound set of books and correct plats of all the lands taken up by the state under the act of congress donating 500,000 acres of land to the state, for the purpose of internal improvement. He shall also keep well bound books and correct plats of all the seminary lands granted to the territory, now State of Arkansas, by act of Congress, approved second day of March, 1827. He shall also keep well bound books and correct plats of all the lands belonging to the state under the designation of "Saline lands." He shall also keep well bound books and correct plats of all the lands granted to the state by act of Congress approved 28th September, 1850, under the appellation of "Swamp and Overflowed lands."

SEC. 3. The auditor shall make out for each township in this state, in which there are any of the lands above described, township maps, in which he shall carefully class the internal improvement lands, seminary lands, saline lands and swamp and overflowed lands; each description making a class to itself, and to be discriminated from the other in such maps or plats; which plats or maps shall be furnished by the auditor to the land agents of the several districts hereinafter provided for.

SEC. 4. That there shall be established for the sale and entry of the lands of this state, as enumerated in section two, five offices, to-wit: one at Dardanelle, one at Jacksonport, one at Washington, one at Helena, and one at Pine Bluff.

SEC. 5. The General Assembly shall, at its present session, and every two years thereafter, elect one competent person to fill each of the offices named in section four, who shall act and be known as land agent, and who shall keep his office at the point in the district for which he shall have been elected, designated in section four, and who, before entering upon the discharge of his duties

shall take an oath before some officer qualified to administer oaths, that he will well and truly discharge the duties of his office, and that he will not directly, or indirectly, be engaged in the purchase of the lands belonging to the state to be sold by him during his continuance in office; and shall also enter into bond to the State of Arkansas, with security, to be approved by the governor, in a sum not less than ten thousand dollars, conditioned that he will well and truly discharge the duties of his office, and account for and pay over to the state treasurer all moneys and land scrip coming to his hands as such land agent.

SEC. 6. That after the said land agents shall have been furnished with the books, maps or plats, as hereinbefore provided for, they shall possess the like power and authority, be governed by the same rules and restrictions, and be guided by the same requirement of law which now control the action of the state land agent in the sale and disposition of the 500,000 acres, and in the sale and disposition of the seminary lands, and shall be controlled by such laws as may be enacted in regard to the sale of the saline lands, in the event they shall be ordered to be sold; and it shall be the duty of the said state land agents, pursuant to the provisions of the laws now governing the actions of the late state land agent, in such cases, and so far as they can be made applicable (under the change of office herein provided for) and in pursuance to such laws as hereafter may be enacted for that purpose, to sell any or all of the lands belonging to the state as internal improvement lands, or saline lands, situated in their respective districts.

SEC. 7. And the said land agents shall have full power and authority to sell any of the lands granted by Congress to this state under the designation of swamp and overflowed lands; but in making such sales shall be governed by the rules, provisions and regulations now in force and hereinafter provided, or which may exist by law at the time of such sale.

SEC. 8. That the said state land agents, upon receiving the maps and plats herein provided for, shall immediately and without delay proceed to advertise the swamp and overflowed lands of their respective districts for sale, taking the books and maps furnished by the Auditor for their guides with regard to what lands are so owned by the state, which advertisement shall be by handbills, set up at the court house door of each county of their respective districts, and shall also be published in two newspapers of the state, weekly for six weeks, the last insertion to be at least thirty days before the day fixed in said advertisement for the time of sale, and on the day and at the place specified in said notice, which place shall be the offices of the respective agents, they shall proceed to offer the said lands for sale to the highest bidder for cash, or swamp land scrip; *Provided*, That no lands shall be sold at such public sale for a less price than one dollar and twenty-five cents per acre. Such sales shall continue from day to day, until all the swamp and overflowed

lands shall have been sold, or offered for sale by the respective agents.

SEC. 9. That at such sale the lands shall be offered in quarter sections and half quarter sections, to suit purchasers and enhance the value thereof.

SEC. 10. That every head of a family who may hereafter settle upon, or who is now a settler upon any of the undisposed of swamp and overflowed lands, shall have a pre-emption right thereto, in exclusion of all persons whatsoever up to the day of such sale, and shall have a right to enter any of the legal subdivisions as above recited; *Provided*, That no right under this section shall vest in any individual except an actual settler upon a portion of the lands claimed, or whose improvement may extend from his own lands to a portion of the swamp and overflowed lands. But if such settler fail to make such entry before the day set apart for such sale, then the right of entry shall be lost and the lands offered for sale to the highest bidder, and it is hereby made the duty of the land agents, in their advertisements, to notify pre-emptors of their rights under this act.

SEC. 11. That any head of a family, or other free white citizen of the state over the age of twenty-one years, who shall make a settlement on any of the swamp and overflowed land after the day of sale, which remain unsold, and who shall within thirty days after the time of such settlement file their declaration in writing, setting forth the fact that they claim said tract of land to be described in the declaration, as a pre-emption right under the provisions of this act, with the land agent of the district in which such lands are, shall be entitled to a pre-emption right for the term of twelve months after the date of such settlement, and shall have a preference right to enter the same in any legal sub-division as above designated, not to exceed one hundred and sixty acres, at the minimum value of all swamp and overflowed lands which are not sold at public sale, which is hereby declared to be seventy-five cents per acre for all lands within six miles of a navigable water course, and fifty cents per acre for all lands being more than six miles from a navigable water course.

SEC. 12. That all lands not sold at the time appointed for such public sale, shall be liable to be entered at any time thereafter, for swamp land scrip, at the rates herein fixed, and the land agent shall give to the purchaser a certificate of such entry, in which he shall specify the lands entered and the amount received for such entry, and shall also note such entry on his township maps and in his book to be kept for that purpose.

SEC. 13. That upon the day of public sale, the agent may employ a clerk to keep the accounts of sale, who shall be paid by the agent employing him, and he shall take duplicate receipts therefor, which payment shall be made out of the proceeds of the sale, and the

clerk's receipt shall be a good voucher to the agent in his settlement with the auditor.

SEC. 14. That each of the land agents herein provided for shall receive in full compensation for their salary the sum of eight hundred dollars, to be paid equally out of the different lands sold, and in proportion to the amount of each class of lands controlled by them.

SEC. 15. In addition to the memorandum of sales or entry of lands to be made upon the maps or plats furnished by the auditor, the several land agents shall each procure a well bound book, in which they shall enter each location or purchase of lands, and in which they shall specify the tract sold, to whom sold, and date of such sale, and the price and how paid for.

SEC. 16. That each of the state land agents shall make out a detailed report of the transactions of his office at the end of every six months, which report shall be transmitted to the auditor; and each land agent shall, immediately after the expiration of each period of six months, make settlement with the auditor, in which settlement his account shall be audited, and he shall forthwith pay over to the treasurer of the state the amount of money and land scrip which may be found chargeable against him, and file the treasurer's receipt for the same in the auditor's office.

SEC. 17. That if at any time any land agent shall be in default, the auditor shall transmit a certified statement thereof to the attorney for the state, in the circuit in which the land agent resides, and it shall be the duty of the prosecuting attorney, at the first term of the circuit court in the county of said agent, after he shall have received such notice, to move such court for judgment against such defaulting agent for the amount which he shall be in arrears, together with twelve and one-half per centum damages thereon, and the court shall thereupon render judgment against such land agent and his securities for the amount shown to be due, together with the twelve and one-half per centum damages, and also for six per centum interest per annum thereon; which judgment shall be in the name of the state and for the use of the fund to which the proceeds retained belonged; and in the hearing and determining of all such matters, the parties, or their attorney, may introduce in evidence the said statement of the auditor, and any entries in the land agent's books, and may introduce such other proof as shall be admissible under the general rules of evidence.

SEC. 18. That if at any time any land agent shall be in default, he shall be deemed guilty of a high misdemeanor, and upon conviction thereof, by indictment or presentment, shall be fined in any sum not less than fifty nor more than five hundred dollars, for the use of the state. The auditor, in addition to the statement to be transmitted to the prosecuting attorney, shall also file with the governor of the state a written statement, showing the existence of

such defalcation; and the governor may therefor dismiss such defaulting officer from his office.

SEC. 19. That in all cases of vacancy by death, removal or resignation of the land agents, or swamp land commissioners, the governor shall appoint a successor, who shall hold his office until the next session of the General Assembly thereafter, and until his successor shall be elected and qualified; and such agent or commissioner so appointed shall give the same bond and securities, take the same oath, and he and his securities be under the same liabilities that are provided for those elected.

SEC. 20. That the auditor shall furnish the several land agents with forms of entries, locations and certificates of entry, which forms the agents shall pursue in the disposal of the lands, and shall always discriminate the class the lands belong to, which were sold.

SEC. 21. That in all purchases of land for scrip, the owner of the scrip shall transfer the same to the state, which transfer shall be in writing upon the back of the scrip and shall be attested by the land agent; and the scrip so transferred, shall be equivalent to the amount of money therein called for on settlement by the land agent with the auditor.

SEC. 22. It shall be the duty of the auditor to prepare patents for all lands sold by the several land agents, after the same shall have been paid for, which patents with other evidences of payment shall be submitted to the governor for his signature; and all patents when signed by the governor shall be recorded by the auditor in a book to be by him kept for that purpose, for which recording he shall be entitled to a fee of one dollar, to be paid by the patentee.

SEC. 23. The auditor shall also be entitled to a fee of one dollar for each certified transcript from his office, payable by the person who shall desire the same; *Provided*, That this section shall not apply to transcripts needed by other officers of this state in the course of official business.

SEC. 24. That all certified transcripts from the office of the auditor, and all certified transcripts from the office of any one of the land agents, shall be received in evidence of the existence of the records of which the transcript is a copy, without further authenticity, in all matters pending in any of the courts of this state.

SEC. 25. That the present General Assembly during its session and every two years thereafter, shall elect three competent persons to be known as swamp land commissioners, who, before entering upon their duties shall take an oath before some officer qualified to administer oaths, that they will well and truly discharge the duties of their office, and shall also enter into bond to the State of Arkansas, with security, to be approved by the governor, in a sum not less than twenty thousand dollars, conditioned that they will well and truly discharge the duties of their office; and it shall be the duty of the said commissioners to keep well bound books, in which shall be recorded all contracts and agreements with con-

tractors and all certificates which they may give upon the completion of any contract; and they shall receive for their services the like sum as is now paid to the present swamp land commissioners.

SEC. 26. That it shall be the duty of the swamp land commissioners to divide the state into five convenient districts, having as near as may be, the same quantity of swamp land in each, which districts shall be laid off with a view to the convenience of business from the offices hereinbefore located for the said five districts.

SEC. 27. That said board of swamp land commissioners, at their regular meeting as now provided by law, shall carefully examine, audit and adjust all accounts for levee or other work properly due from the swamp land fund, and give to the person or persons, to whom such account is due a certified statement of the amount and for what service the same is due, upon the presentation of which to the auditor, he shall issue a warrant on the treasurer, who shall pay the same out of any money in the treasury arising from the sale of swamp and overflowed lands, and if there be no money in the treasury arising from this source, the treasurer shall issue swamp land scrip to the holder in such denominations as may be desired, not less than twenty dollars, for the amount so certified by the commissioners, which scrip shall be receivable in payment for swamp lands at public sale, or at private entry.

SEC. 28. Such scrip when issued shall be recorded by the treasurer and numbered, and the warrant upon which it was issued shall be numbered with the corresponding number, and the word "satisfied" shall be written across its face, with the date of its satisfaction, by the treasurer, who shall keep such warrant in his office as evidence and authority to issue such scrip.

SEC. 29. That the said swamp land commissioners shall have the accounts of their office audited annually by the auditor of public accounts, and if said swamp land commissioners fail to make return of their transactions to the office of the auditor, or if they wilfully make false returns they shall be deemed guilty of a high misdemeanor, and upon conviction by presentment or indictment shall be fined in any sum not more than five hundred dollars, and imprisoned not less than one month nor more than one year.

SEC. 30. That said swamp land commissioners shall have the power and authority to employ, whenever the necessities of the state require it, one or more engineers to superintend the laying out of levees, cut-offs, drains, and soforth.

SEC. 31. That it shall be the duty of the present swamp land commissioners to make out and file in the auditor's office, on or before the first day of April next, an accurate list and description by numbers and areas, of all swamp and overflowed lands disposed of by them; showing to whom, for what and when each tract of land was sold, to which class each tract belonged, the name of the person who signed the certificate of purchase, the number of the certi-

ificate, the number of acres sold for cash, and the number of acres of each class otherwise disposed of.

SEC. 32. That the office of the board of swamp land commissioners shall be located at Helena, at which place the commissioners shall meet as now provided for, and discharge the duties imposed upon them by the act which this is intended to amend. That the secretary of said board shall take an oath of office and enter into bond to the State of Arkansas in a sum not less than ten thousand dollars; and the said swamp land commissioners, or a majority of them, shall have the power and right to change the location of the office of the board of swamp land commissioners to such point as may be most convenient to the place at which the largest amount of work is being done.

SEC. 33. It shall be the duty of the swamp land commissioners on the first Monday in January in each year, to make out and transmit to the auditor of public accounts, an accurate list of all swamp and overflowed lands reclaimed, in order that the same may be taxed according to the provisions of the fourteenth section of the act, approved sixth January, 1851.

SEC. 34. It shall be the duty of the auditor to transmit to the sheriff of each county where any of said reclaimed lands a copy of the list of reclaimed lands furnished him as above provided, by the swamp land commissioners. Such sheriff shall assess such lands as in other cases.

SEC. 35. Any person or persons who may cut, destroy or remove any timber now standing on any of the swamp and overflowed lands granted by Congress to this state shall be subject to indictment, and on conviction thereof shall be fined the full value of the timber cut, destroyed or carried away, and be imprisoned not less than two, nor more than twenty days; *Provided*, that any person or persons residing on such swamp or overflowed lands, shall have the right to cut any timber growing on the tract which he may occupy for his own use for building or farming purposes.

SEC. 36. That any person or persons who shall destroy or materially injure any part of the levees now constructed, or that may be hereafter constructed, shall be subject to indictment in the circuit court of the proper county, and on conviction thereof, shall be imprisoned not less than one year, and pay all damages that may accrue, and that this provision, with the one next above, shall be given specially in charge to the grand jury by the court at the commencement of each and every circuit court throughout the state where there may be any of such swamp and overflowed lands situate.

SEC. 37. That after the pre-emptor has filed his declaration, as required by section ten of this act, he shall make proof before the swamp land agent of the proper district, or before some justice of the peace, by two disinterested witnesses, that he, or she, is an actual

and bona fide settler, as provided for in section ten, subject to an appeal to the board of swamp land commissioners.

SEC. 38. That nothing in this act shall be construed so as to alter or change existing laws until the election and qualification of the officers herein provided for, and until the auditor shall make out and furnish the several land agents herein provided to be elected for the several land districts, with the maps and plats as required to be furnished by him as aforesaid, which he shall furnish without delay.

SEC. 39. That all persons, being citizens of this state, who have entered at the United States land offices any part of the swamp and overflowed lands, shall have the exclusive right of purchase thereof for the term of twelve months from and after the passage of this act, at the price fixed upon said lands by the swamp land commissioners.

SEC. 40. That all contractors for erecting levees shall have the right of way through the lands of (or) fields where the levees are located by the commissioners, and the contractors shall give bond and security conditioned for the faithful execution of the contract, and shall be liable to pay damages to the use of the state, and also to any citizen who may be injured by the non-performance of the contract, according to the condition of the bond aforesaid; but if the proprietor or proprietors of such lands or fields should be dissatisfied with the location of such levees through his, her or their lands or fields, and shall, on the location of such levees as aforesaid, give to the commissioners notice of such dissatisfaction, and of their determination to claim such damages as the location of such levees may occasion, then, and in that case, the said commissioners shall forthwith apply to the sheriff of the proper county, who shall forthwith proceed to summon a jury of twelve freeholders of such county, in nowise akin to said parties or in anywise interested in said lands or fields through which said levees may be designed to pass, which said jury shall assemble at the place intended to be viewed, and shall take an oath, to be administered by the sheriff, that they will faithfully and impartially view the lands or fields of such person on whose lands such levee may be located, and will faithfully and impartially assess the damages which such levee is calculated to occasion such lands; and the said verdict shall be entered upon the back of the inquisition, and shall, by such sheriff be filed in the office of the clerk of the circuit court of the proper county, and the inquisition and verdict so returned shall be an effectual bar to both parties without appeal; and if such jury should find damages for such owner or proprietor, then, and in that case, such owner shall have a credit for so much, for which, when properly certified by the clerk of the proper court, shall be sufficient authority to the proper officer to issue scrip for the same, and when so issued, the same shall be taken and received in payment of any of the swamp and overflowed lands in this state.

SEC. 41. That the swamp land commissioners shall review the levees now or hereafter constructed, and if any of said levees have been washed away, or have caved in, or if any levee requires to be raised higher in order to make the same thirty inches above high water mark, then, in such cases, the swamp land commissioners shall let out and cause to be constructed such further or other, on said levees, as shall be necessary to raise the same thirty inches above all high water marks, and any new levee make where other levees have been washed away, and the same to locate in the place adjudged to be most proper.

SEC. 42. That the swamp land commissioners shall have power to make cut-offs on streams which require to be straightened, and in all cases where said cut-offs are intended to be made on any creek, stream or river, the swamp land commissioners shall commence at the mouth of said cut-off, and work up stream; *Provided*, No cut-off shall be made on the Arkansas river which will throw the Arkansas river from the town of Pine Bluff; *And provided further*, That any and all persons who may be injured by any cut-off shall recover damages from the swamp land fund in the same manner that is hereinbefore provided for the recovery of damages sustained by reason of locating levees through fields and lands.

SEC. 43. That all the books, maps and plats necessary for the swamp land, as well as all other expenses that will be incurred relating to the swamp and overflowed lands, shall be paid out of the swamp land fund, and that all expenses relating to the saline lands, the seminary lands, or the internal improvement lands, shall be paid out of the respective fund for which such expenses were incurred.

SEC. 44. That in all cases of contracts hereafter to be made, the scrip issuing thereon shall be located in the district where the work was done, and that no scrip issued for work in one district shall be floated to another until all the work that is practicable and necessary for the redemption of the swamp and overflowed lands in such district shall have been completed.

Approved 12th January, 1853.

An act supplemental to an act entitled "an act to amend the existing laws in regard to the Landed Interest of this State."

SECTION

1. Treasur of state entitled to ten cents per 100 words for transcribing and

SECTION

recording scrip or warrants.

2. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the treasurer of the state shall be entitled to a fee of ten cents for every hundred words for transcribing and recording the scrip or warrants required of him in the act to which this is a supplement.

SEC. 2. *Be it further enacted*, That this act be in force from and after its passage.

Approved 12th January, 1853.

WHEREAS, It has been represented to this General Assembly, that there exists within the limits of the state of which they are the representatives, vast mines of various and valuable minerals, as rich in quality as illimitable in extent, and needing only the patronage of a sound, wise and generous legislation, to foster, encourage and aid the development of the vast wealth of this our mineral kingdom, and subject it, in its diversified forms, to the use of man, whether engaged in mechanical, agricultural, manufacturing or commercial pursuits, contributing thereby to the elements of a true natural independence, and thence an additional guarantee in preserving indissoluble the bonds of our glorious union: Therefore, properly estimating the magnitude of such developments for good, both in a municipal and national point of view, especially invaluable to the state within whose limits enterprises for the working of her mines may be conducted, adding to its population, enhancing the value of her domain, whether private or public; giving diversified and profitable employment to its citizens; extending her commerce within and without; multiplying the comforts and conveniences of life, thus securing the prosperity and happiness of her people, the main purpose for which governments are, or ought only to be established; for these, and like considerations which mark emphatically the progress of our people in enlightened civilization by the encouragement of the useful arts and sciences, and thus impressing upon our rulers and people the patent of genuine patriotism. In furtherance of such like ends,

An act to incorporate the Arkansas Mining, Manufacturing and Chemical Company.

SECTION

1. Incorporates "The President and Directors of the Arkansas Mining, Manufacturing and Chemical Company."
2. Capital \$200,000; shares \$50; capital at any time deemed insufficient, may be increased to \$1,000,000.
3. Company may purchase lands necessary to mining operations, and be capable in law of purchasing, holding and conveying real and personal property.
4. Company have power to sue and be sued; and to make and use a common seal.
5. Shall make by-laws, and possess all

SECTION

- powers incident to corporations.
6. Office of company at Little Rock, and books for subscription to capital stock opened at such times and places as may be directed, by giving 30 days' notice in a newspaper,
7. Capital stock subscribed, notice to be given of same and appointing a day for electing five directors, one of whom shall be elected president. If, by death, or other cause, there should be no quorum, vacancy shall be filled by stockholders at called meeting.
8. Stockholders shall appoint judges of elections for directors. Stockhold

SECTION

- ers holding stock 20 days previous to an election entitled to one vote for each share.
9. Director shall be a stockholder in his own right, and qualified to vote at the election at which he was elected; and hold office for one year.
 10. Directors may call meetings, or stockholders owning one-fourth of the stock, by giving 30 days' notice of the time, place and object; a majority, in value, of stockholders not present, meeting shall adjourn from day to day, not exceeding three days; if a majority do not then attend, meeting shall dissolve.
 11. Failing to elect director, company shall not be dissolved, if within 90 days they shall hold the election. Directors to appoint subordinate officers.
 12. Directors may demand payment of stock under penalty of forfeiture of stock and payments thereon, if payment shall not be made within 30 days after demand or publication in a newspaper, provided subscriptions shall not be required only in equal installments of 10 per cent. per month.
 13. Directors to make by-laws for the management of stock, property and business of company; prescribe duties of, and appoint all officers, ar-

SECTION

- tificers, servants, &c.
14. Stock deemed personal property, and transferable only when all calls have been paid thereon, or forfeited for want of payment.
 15. President and directors, within 30 days after payment of last installment, shall certify amount of capital paid in, signed and sworn to by president and secretary, and file same in office of secretary of state.
 16. Company to make annual report to secretary of state, verified by oath of president, treasurer and superintendent.
 17. Capital stock exempt from taxation for five years; lands and personal property not exempt.
 18. Act null and void, unless company within five years shall expend 10 per cent. of its capital in carrying out object of charter.
 19. Semi-annual dividends may be declared, as directors deem advisable, on actual profits.
 20. Company may borrow money; issue bonds for same; and mortgage corporate property to secure debts; give to holder of bonds the right to convert principal into stock at any time not exceeding ten years from date of said bonds; may sell bonds at rates permitted by law.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Loyal Case, of the city of New Orleans and State of Louisiana, and such associates, as may unite with him, in any of the United States or European governments, and their successors as hereinafter provided, are hereby constituted a body politic and corporate, by the name of "The President and Directors of the Arkansas Mining, Manufacturing and Chemical Company," for the purpose of conducting mining, manufacturing and chemical works within the State of Arkansas.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each; *Provided,* That if the capital stock of said company should, at any time, be deemed insufficient for the purposes contemplated by this act, it shall, and may be lawful for the said Loyal Case his associates and successors, from time to time, to increase the said stock to the amount of one million of dollars; but no share thereof shall ever be divided.

SEC. 3. Said company shall have the power to purchase and to hold, and to use, such lands as they may need for all mining, manufacturing, mineral and chemical operations, severally in coal, lead, iron, slate, or other kind of minerals; and shall be capable in

law of purchasing, holding and conveying, any real or personal property, whatever, necessary for the various operations of the company, and for the erection of all necessary buildings, yards and appurtenances for the use of the same.

SEC. 4. Said company, by their title, shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or in equity, in any court of competent jurisdiction, and shall have power to make, and use, a common seal, and the same to alter at pleasure.

SEC. 5. They shall have power to establish and put in force such by-laws, rules and regulations, as may be necessary or proper to carry into effect the provisions of this act, and shall have all the other powers incident to corporations at common law, not inconsistent with the constitution and laws of this state and the United States.

SEC. 6. The office of the company shall be located at Little Rock, and books of subscription to the capital stock of the company shall be opened at such times, and at such places, as the said Loyal Case, and his associates may direct, due notice of which shall be given by thirty days' publication in a newspaper at Little Rock.

SEC. 7. When the capital stock of said company, shall have been fully subscribed, due notice shall be given of the same, appointing a day for the election of five directors, and three of whom shall constitute a quorum for the transaction of business, and from their own body they shall elect their president for the ensuing year. If by death, resignation, or otherwise, there should be no quorum, the vacancies shall be supplied by the stockholders at a called meeting.

SEC. 8. The stockholders, or those present at a previous meeting, shall appoint three judges of the election for directors, to receive the votes of the stockholders present in person, or by proxy, who shall openly count the votes and declare the result, and shall furnish the directors elected at such meetings of the stockholders, the certificate of their election, which certificate shall be evidence of their authority to act as directors; every stockholder shall be entitled to give one vote for every share of stock which he may have owned for twenty days preceding such election; but no stockholder shall vote at any such election unless he be a *bona fide* stockholder.

SEC. 9. No person shall be a director unless he be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen. The directors shall hold their office for one year, and until others are elected in their places and duly organized.

SEC. 10. Meetings of the stockholders may be called at any time by the directors, or by the stockholders, owning not less than one fourth of the stock, by giving thirty days' public notice of the time and place of the meetings; and when any such meeting is called by

the stockholders, the particular object of such meeting shall be stated in such notice; if at any such meeting thus called, a majority in value of the stockholders are not represented, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within said three days, stockholders having a majority of the stock do not attend such meeting, then the meeting shall be dissolved.

SEC. 11. In case it shall happen, at any time, that an election of directors shall not be made on the day designated by the by-laws of the company when it ought to have been made, the company for that reason shall not be dissolved, if, within ninety days thereafter, they shall hold an election for directors in such manner as shall be provided by the by-laws of the company. The directors shall appoint subordinate officers, as the company by its by-laws may designate, and require them to give such security for the faithful performance of their duties, as the company by its by-laws, may require.

SEC. 12. It shall be lawful for the directors to call in and demand from the stockholders, respectively, such payments or installments upon the amount of their stock, as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within thirty days after personal demand, or notice requiring such payment shall have been made in a newspaper published at Little Rock: *Provided*, That subscriptions shall not be required to be paid except in equal installments of ten per cent. a month.

SEC. 13. The directors of said company, shall have power to make by-laws for the management and disposition of stock, property and business affairs of the company, not inconsistent with the laws of this state, and prescribe the duties of officers, artificers and servants, that may be employed, and for the appointment of all officers, for carrying on all the business within the object and purposes of said company.

SEC. 14. The stock of said company shall be deemed personal estate, and shall be transferable in a manner prescribed by the by-laws of this company, but no share shall be transferable until all previous calls thereon shall have been fully paid in, or the shares shall have been forfeited for non-payment of calls thereon.

SEC. 15. The president and a majority of the directors within thirty days after the payment of the last installment of the capital stock, shall make a certificate stating the amount of capital stock paid in, which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary, and they shall, within the said thirty days, file and record the same in the office of the secretary of state.

SEC. 16. The company shall make an annual report to the secretary of state, of the operations of the year ending on the first

day of January, which report shall be verified by the oaths of the president, treasurer and superintendent, and file the same in his (office) by the 10th day of January, in each year.

SEC. 17. The capital stock of the company shall be exempted from the payment of taxes, for the term of five years; *Provided*, That nothing contained in this act, shall be construed as to exempt the lands and personal property of said company from taxation.

SEC. 18. If the company shall not, within five years of its incorporation, expend ten per cent. of the amount of its capital stock, in carrying out the object for which this charter is granted, then this act of incorporation shall be null and void.

SEC. 19. Dividends may be declared semi-annually of so much of the earned profits, as the directors may deem advisable, but in no case shall a dividend be declared upon conjectural or uncertain profits.

SEC. 20. The company may, from time to time, borrow such sums of money as they may deem necessary to carry out effectually the objects specified in this act, and may issue and dispose of their bonds for any amount so borrowed, for such sums and at such rates of interest, as are allowed by the laws of the state where the contract is made, and mortgage their corporate property and franchises to secure the payment of any debt contracted; and the directors of the company may confer on any holder of any bond issued for money borrowed, as aforesaid, the right to convert the principal due or owing thereon, into stock of said company, at any time not exceeding ten years from the date of said bond, or bonds, under such regulations as the company may adopt; and the company may sell their bonds either within, or without this state, or the United States, at such rates and prices as permitted by law, and such sales shall be as valid as if such bonds should be sold at par value.

Approved 12th January, 1853.

An act to Incorporate the Cairo and Fulton Railroad Company.

SECTION

1. Incorporates certain persons named, as a body politic and corporate by the name and style of the "Cairo and Fulton Railroad Company;" and by that name, capable in law of contracting and being contracted with, and invested with all the privileges, immunities, &c., of purchasing holding and conveying real and personal estate.
2. Said corporation authorized to construct a railroad from mouth of

SECTION.

- Ohio river, via Little Rock, to Texas boundary line near Fulton Arkansas, with branches to western boundary line of this state, and to other points; provided the same does not conflict with any other railroad, and that said company procure right of way through Texas.
3. Corporation have right of way upon land, 100 feet on each side of road, and the use of all material for construction through entire length, be-

SECTION

longing to the state; when belonging to individuals may be taken, upon refusal of voluntary grant, or release, and damages paid, if awarded according to law; company not to interrupt navigable streams.

4. Capital stock \$1,500,000 and may be increased to the amount expended on said road, divided into shares of \$25 each; directors to determine time and terms of payment by stockholders; refusing to pay, shares may be sold or forfeited; directors to cause books to be opened for subscriptions.
5. Board of directors to consist of 13 stockholders, four chosen every year; each share entitles a vote; vacancies filled by remaining directors; other officers, agents, &c., appointed under such rules as directors may adopt.
6. Names first board of directors, whose powers commence the day they accept this act, not to exceed 90 days from its passage.
7. President and directors to execute all powers herein granted, for constructing said road, and transportation thereon, of persons, goods, &c., and for carrying into effect the intent of this act.
8. Company to make by-laws, rules, and regulations, to carry this act into effect, not contrary to the laws of the United States, or of this state;

SECTION

to establish rates of toll; and all matters and things respecting use of said road shall be in conformity with such by-laws, &c.

9. \$100,000 subscribed and 5 per cent. thereon paid, corporation may commence said road.
10. Corporation may unite road with Missouri road, and with any road coming in from Texas; and contract with any other railroad company, so as to insure early construction of said road, and may make joint stock with any other railroad company, and form one board of directors.
11. Stock and dividends exempt from taxation, road and fixtures exempt until it pays 10 per cent. interest.
12. Persons incorporated by this act, failing to accept provisions of same, in time and manner prescribed, the same may be accepted by any other company, who, complying with this act, shall be invested with all rights and powers conferred on corporation named; and subject to all liabilities set forth in said act.
13. This act a public act, shall be favorably construed in all courts, and shall be in force from its passage; provided, that the rights and privileges granted to the Mississippi Valley Railroad Company, not inconsistent with this act, shall form a part of this charter.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, As follows:* Edward Cross, Henry K. Hardy, John R. Hampton, H. P. Poindexter, William E. Davidson, W. C. Bevens, B. C. Totten, John N. Mitchell, A. S. Huey, J. M. Curran, W. E. Ashley, D. J. Chapman and Thomas J. Blackmore, and all such persons as shall hereafter become stockholders in the company hereby incorporated shall be a body politic and corporate by the name and style of the "Cairo and Fulton Railroad Company;" and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and in equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal and alter or renew the same at pleasure, and by their corporate name and style shall be capable in law, of contracting and being contracted with, shall be and are hereby invested with all the powers and privileges, immunities and franchises, and of acquiring by purchase, donation or otherwise, and of holding and conveying real and personal estate, which may be useful to carry into effect fully the purposes and objects of this act.

Sec. 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad from a point on the Mississippi river opposite the mouth of the Ohio, in the State of Missouri, by way of Little Rock, to the Texas boundary line, near Fulton, in Arkansas, with one or more branches to the western boundary line of this state, with the view of entering the north-eastern and the north-western portions of Texas, and there connecting with projected railroads in that state, from the bay of Galveston, running up the valleys of the Brazos and Trinity rivers; said company may also branch and extend their said road to any other point or points within this state; *Provided*, The same shall not conflict with the franchises of any other railroad company; *And provided further*, That said company shall obtain the right of way through the State of Texas, on such route as shall be deemed most expedient, with as many lines of rails or tracks they shall choose to make.

Sec. 3. The said corporation shall have right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land not exceeding one hundred feet in width on each side of, and through its entire length; may enter upon and take possession of and use all and singular any lands, streams and materials of any kind for the location of depots and stopping stages, for the purpose of constructing bridges, dams, embankments, excavations, spoil banks, turnouts, engine houses, shops and other buildings necessary for the construction, completing, altering, maintaining, preserving in complete operation of said road; all such lands, waters, materials and privileges belonging to this state are hereby granted to said corporation, for said purposes; but, when owned or belonging to any person, company or corporation and cannot be obtained by voluntary grant, or release, the same may be taken and paid for, if any damages are awarded in the manner provided for by law; *Provided*, Nothing in this section contained shall be so construed as to authorize the said corporation to interrupt the navigation of said streams.

Sec. 4. The capital stock of said corporation shall be one million five hundred thousand dollars, which may be increased from time to time, to any sum not exceeding the entire amount expended on account of said road, divided into shares of twenty-five dollars each, which shall be deemed personal property, and may be issued and transferred in such manner and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of sums subscribed by stockholders in such manner and on such terms as they may deem proper, and on refusal or neglect on the part of the stockholders or any of them to make payment on the requisition of the board of directors, the shares of such delinquents may be sold or forfeited to the company upon such terms and conditions as may be provided for in the by-laws of said corporation. The board of directors hereby appointed

shall cause books to be opened for subscriptions to said stock in such manner and at such times and places as they may direct.

SEC. 5. All the corporate powers of said company shall be vested in, and be exercised by a board of directors, and such officers and agents as they shall appoint. The board of directors shall consist of not less than thirteen stockholders, four of whom shall be chosen every year by the stockholders; each share having one vote, to be given in person or by proxy, each director successively elected to continue in office until his successor is elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the directors remaining, such appointees to continue in office until the next regular election of directors; but no person shall be so elected who shall not have been openly nominated at a meeting of the directors at least one week before the time appointed for such election. Other officers, agents, and servants, whether members of the board or otherwise, may be appointed, employed, paid and dismissed, under such rules and regulations as the board of directors may from time to time adopt.

SEC. 6. The following named persons shall constitute the first board of directors, to-wit: Henry K. Hardy, John R. Hampton, Edward Cross, H. P. Poindexter, William E. Davidson, W. C. Bevens, B. C. Totten, John N. Mitchell, A. S. Huey, J. M. Curran, W. E. Ashley, D. J. Chapman, and Thomas J. Blackmore, for the time being, whose powers shall commence from and after the day this act shall be by them accepted, which shall not exceed ninety days from the passage of this act, and shall be addressed to the governor of the State of Arkansas, and filed in the office of the secretary of state.

SEC. 7. The president and directors, for the time being, are hereby authorized and empowered by themselves, their officers or agents, to execute all the powers herein granted, for the purpose of surveying, locating, constructing, completing, altering, maintaining, preserving and operating said road, and for the transportation upon the same of persons, goods, wares and merchandise, with all such powers and authority of control and management of the affairs of said company as may be necessary and proper to carry into full and complete effect the meaning and intent of this act.

SEC. 8. The said company shall have power to make, ordain, and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering, regulating and securing the affairs, business and interests of the company; *Provided*, That the same be not repugnant to the constitution and laws of the United States, of this state, or repugnant to this act; the board of directors shall have power to establish such rates of toll for the conveyance of persons and property upon the same, as they shall from time to time by their by-laws direct and determine, and levy and collect the same for the use of said company; the trans-

portation of persons and property, the width of track, the construction of cars, locomotives and all other equipments and appurtenances of the road, and all matters and things respecting the use of said road, and the conveyance of passengers and property, shall be in conformity to such rules and regulations as said board of directors shall, from time to time, determine.

SEC. 9. The said corporation may commence the construction of said road at any time after one hundred thousand dollars of capital stock shall have been subscribed, and five per cent. thereon, paid to the board of directors.

SEC. 10. Said corporation shall have power to unite their road with the southern end of the Missouri road, at some suitable point on the line which divides these two states. And its southern end with any road coming in from Texas, at such point on the boundary line which divides that state and Arkansas that may be deemed most eligible; and to make any contract or agreement with any other railroad company in reference to this business that may best insure the early construction of said road and its successful management, and also to make joint stock with any other railroad company in this or any other state, and to form one board of directors for the management of their affairs. If it should be found necessary to facilitate the early construction of their said road, the contract or agreement of the respective boards shall form a part of their respective charters whenever the same may be entered into and recorded with their charters.

SEC. 11. That the capital stock and dividends of said company shall be (forever) exempt from taxation, the road, fixtures and appurtenances shall be exempt from taxation until after it pays an interest of not less than ten per cent. per annum.

SEC. 12. In case the persons incorporated by this act should fail or neglect to accept the provisions of the same, and comply with its conditions within the time and in the manner herein prescribed, then the same may be accepted by any other company, which shall be approved by the governor of this state, who, upon complying with the terms and conditions in this act shall be vested with all the rights, powers and immunities conferred upon the corporation herein named, and shall be subject to all the liabilities in said act, set forth in as full, ample and complete a manner as if their names were inserted as incorporators in this act.

SEC. 13. This act shall be deemed a public act and shall be favorably construed for all the purposes therein expressed, and declared in all courts and places whatsoever, and shall be in force from and after its passage; *Provided*, That all the rights, privileges, immunities and franchises contained in the charter granted at this session of the legislature of this state, to "the Mississippi Valley Railroad Company," and not restricting or inconsistent with this act are hereby extended to, and shall form a part of this incorporation as fully as if the same was inserted herein.

Approved 12th January, 1853.

An act to Incorporate the Mississippi Valley Railroad Company.

SECTION

1. Names certain persons and others who may associate with them, as a body corporate, under the name and style of the "Mississippi Valley Railroad Company," with succession of 500 years; by such name to sue and be sued, &c., in any court of competent jurisdiction; to have, use and alter a common seal; to buy and sell real or personal property; to make by-laws, rules and regulations as may be necessary; is vested with all powers, privileges and immunities necessary to carry into effect the objects of this act; to survey, locate and construct, a railroad to connect with the New Orleans, and Great Western Railroad, thence northwardly via Little Rock, to connect with Missouri railroad from St. Louis; shall have right of way to any lands or waters belonging to the state, 100 feet in width on each side of the whole line, for the purposes of said road and none other; and may take other lands for obtaining timber, stone and gravel necessary for construction of said road; may also take land belonging to individuals or corporations upon payment of damages, if the same is not voluntarily bestowed.
2. Corporation may contract with other railroad companies; have full power to connect with New Orleans and St. Louis roads, and to form one board of directors; agreement of board of directors of Louisiana, Arkansas and Missouri to form part of their respective charters; corporation have full power to contract with Louisiana and Missouri directors for uniting respective roads; and also to make contracts for connecting branch roads, as they may deem expedient.
3. Capital \$1,000,000; shares \$25, deemed personal property, and transferable as by-laws may direct. Capital insufficient, may be increased by subscription, or sale of shares, as company may direct. \$100,000 subscribed, and 5 per cent. thereon paid, company may commence operations.
4. Majority of persons named in sec. 1, to open books for subscription at such times and places as they shall appoint, and give notice thereof.
5. Affairs of company vested in 13 directors, chosen by stockholders,

SECTION

- seven of whom, one being president, a quorum; to elect one of their number president, choose secretary, treasurer and other officers, and fix their salaries; keep a journal of proceedings, and fill vacancies.
6. Persons authorized to open books to call meeting of stockholders, when \$100,000 are subscribed, to choose directors; each share entitled to one vote; company to provide for annual meetings (after the first) for electing directors; voter must hold his share one month before first election, and three months before any subsequent one; no stockholder to be director, or to vote, while in default.
7. Failing to elect directors on day appointed, company shall not dissolve; such election may be held on any other day.
8. Directors to make by-laws, rules, &c. touching all matters relating to said company; company may receive donations in property or money, buy and sell estate, survey, locate and construct said road, and contract for land or right of way with owners thereof.
9. President and secretary to sign certificate of stock to stockholders; stock transferable on books, but held for dues to corporation. States, corporations and individuals may subscribe for stock, with all the rights, and subject to all the liabilities of other stockholders.
10. Corporation may call in stock as they deem expedient, by giving 60 days' notice of the amount, time and place of payment. Stockholder refusing to pay for ten days after the time, suit may be brought to secure amount due, with ten per cent. damage, and ten per cent. interest from time due till paid, if amount cannot be made on execution, stock forfeited.
11. Bonds of county, corporate town or city, taken as subscription to capital stock at par. Subscriber taxed, may reduce his shares in amount equal to the tax imposed.
12. Said road not to impede any public road or highway; when road passes through land of individuals, company to provide necessary wagon ways across their road; road constructed over navigable stream not to obstruct navigation.

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13. Corporation to prescribe kind of carriages to be used on said road, width of track, gauge &c., and to fix the rates of toll, for transportation of persons and property.
14. Semi-annual dividends to be made on 1st Monday of December and June in each year, no dividend greater than nett profit; president and directors may retain portion of profits as contingent fund.
15. President and directors, or stockholders owning one-fourth of the whole capital, may call meetings by giving 30 days' notice in three newspapers published along the line, stating time, place, and object of such meeting; if a majority, in value of stockholders are not in attendance at such meeting, it shall be adjourned for one week, and the subsequent meeting can act and bind stockholders.
16. At regular annual meetings, president and directors to exhibit statement of business for preceding year, and submit books and accounts to inspection of stockholders, and to committees appointed by stockholders.
17. Every president and director to take oath to well and truly discharge the duties of his office, and may require alike oath to be administered to secretary and treasurer, and others in their employ.
18. Privilege granted to citizens of this state and of Louisiana and Missouri, or any company incorporated by authority of said states, to connect with said railroad hereby provided for, on terms usual in such cases.
19. Corporation not to engage in any business other than contemplated by this act, nor to enter into any banking business.
20. President and directors may borrow money on credit of company; to issue bonds for not less than \$500 nor more than \$1000; for amount so borrowed to mortgage corporate property; persons holding bonds may convert principal into stock, under regulations of directors; company may sell said bonds, but not under par.
31. Road located, plat of same in the state, to be deposited in office of se-

SECTION

- cretary of state.
22. Contracts authenticated by president binding on company.
23. President, director, to be bona fide holder of fifty shares, at least three months previous to election, (except the first) three month's ownership of shares previous to election (except first) necessary to entitle stockholder to vote.
24. Process on company served on president by copy left at the office, or in hands of any of its officers. Office may be established at such place as company see fit.
24. Capital stock, machinery, appurtenances, profits, &c., vested in stockholders; capital stock and dividends exempt from taxation till six per cent is realized, and road and fixtures exempt for 20 years from completion. Stockholders liable to amount of their respective shares only.
26. President, directors, officers, agents and servants exempt from military duty, serving on juries and working on roads.
27. Director, agent, officer, or servant not to contract for work; director not to vote for any material in which he is concerned; nor shall any director, agent, officer or servant, be interested in the purchase of any lands, buildings, &c., on line of said road, without first having offered to board of directors right of pre-emption to same.
28. President and directors for time being, to execute all power granted for surveying, locating and completing said road, and to carry into effect the meaning of this act.
29. Corporation to accept through president and directors any amendment or supplemental act of General Assembly, passed with a view to facilitate the operations of said company.
30. This act in force from its passage; shall be deemed a public act, and construed liberally for the object set forth; and the organization of the company under same presumed in all courts of justice; all laws and parts of laws in conflict, with this act, repealed.

WHEREAS, It is deemed a matter of vital importance to this state that a direct communication by railroad to the cities of New Orleans and St. Louis be established; and whereas the project road,

connecting these cities and running through the heart of the country, is a reasonable and practicable measure, and one demanded, not only by the interests and necessities of these points of termini but of the whole people along the entire line of the route, but the interests and necessities of the several states through which this line passes, and by the interests and necessities of the government of the United States, therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Edward, Cross, R. L. Dodge, William B. Wait, Sterling H. Tucker, John M. Ross, Green B. Hughes, E. Cummins, William E. Ashley, Buckner H. Payne of New Orleans; James Harrison, of St. Louis and Winslow, Lanier & Co., of New York, with such other persons as shall associate with them for that purpose, are constituted a body corporate, and, by the name and style of the "Mississippi Valley Railroad Company," with succession for five hundred years, and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction, and shall have power to make and use a common seal, and the same to alter and renew at pleasure, buy and sell, hold and convey real and personal estate, necessary to carry out the object and purpose of this charter, or in the securing and collecting of its debts, to make contracts and enforce the same, and to establish and put in full force such by-laws, rules and regulations as may be necessary and proper to carry into effect the provisions of this act, and shall have all the powers incident to corporations at common law, not inconsistent with the laws of this state and of the United States; and the company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, hereafter set forth; and said company is hereby authorized and empowered to survey, locate, complete, construct, alter, maintain, operate, and repair a single, double or triple railroad or way, from some point that may be deemed by the board of directors of said Mississippi Valley Railroad Company most advisable to connect with the New Orleans, Opelousas and Great Western Railroad, or a branch thereof, on the boundary line between Arkansas and Louisiana, and run in a northwardly direction via Little Rock, or as near thereto as may be practicable, on the most eligible route to a point on the northern boundary line, between Arkansas and Missouri, to connect with the Missouri end of the railroad from St. Louis; said routes and the points of uniting said roads on the said boundary lines to be determined by the Arkansas board of directors, on consultation with the board of directors of the Louisiana and Missouri roads; and to transport, take and carry property and persons upon said railroad or way, by the power and force of steam, of animals, or of any other mechanical or other power, or any combination of them, which said company may choose to apply, and for the purpose of constructing said rail-

road or way, the said company are authorized to lay out the road not exceeding one hundred feet in width on each side of the whole length of the line thereof, and shall have right of way of the width aforesaid, upon and through any lands or waters belonging to the State of Arkansas, and the same is hereby donated to said corporation for that sole purpose and none other, and if not appropriated for the construction of said road, and within the time herein limited, the same shall be void; and they may take as much more land as may be necessary for the purpose of depots, cuttings, embankments, turnouts, engine houses, warehouses, water stations, shops and other buildings necessary, the construction, altering, maintaining, preserving and complete operation of said road, and for obtaining timber, stone, earth, gravel, or any other materials necessary for the purposes aforesaid. Said company may also take as much more land of persons and corporations, for the building of said road and its security, as last aforesaid specified; *Provided*, That all damages (if any shall be awarded) that may be occasioned to any person, or corporation by the taking of any such land or materials, shall be paid for by the company, unless the same shall be voluntarily donated to them:

SEC. 2. That said corporation is authorized to make any lawful contract with any other railroad company in relation to the business of said company, also to make joint stock with any other railroad corporation, in this or any adjoining states, and said company shall have full power to unite and connect their railroad with the ends of the New Orleans and St. Louis roads, at such point as may be fixed on the northern and southern boundary lines of this state, and to form one board of directors for the running management of said railroad in the states through which the same shall pass; the agreement of the board of directors of Louisiana, Arkansas and Missouri shall form a part of their respective charters, whenever the same may be entered into and recorded with their charters. The said corporation shall have full power to make such contracts or arrangements as they may deem proper with the said Louisiana and Missouri board of directors, for uniting of their respective roads, and for any other purpose that may be by them deemed necessary to facilitate and carry out the objects and purposes of this charter, with all such necessary power as shall best enable said company to carry into effect and fully to ensure the complete and harmonious operation of the respective roads, that they may form one continuous line of railroads between the said cities of New Orleans and St. Louis. Said corporation shall also have authority of making such contracts and agreements as they may deem expedient for the connection of any branch roads with theirs that they may determine advantageous to the business and revenue of the railroad and this company.

SEC. 3. The capital stock of said company shall be one million of dollars, divided into forty thousand shares of twenty-five dollars

each, which shares shall be deemed personal property, and may be transferred in such manner, and at such places as the by-laws of said company shall direct, when not herein provided for; *Provided*, That the capital stock of said company, or the actual amount at any time subscribed, shall be deemed insufficient for the purposes of this act, it shall be lawful for said company, from time to time, to increase the said stock by the addition of as many shares as they may deem necessary, for which they may, at their option, cause subscriptions to be received in the manner prescribed by them, or they may sell the same for the benefit of said corporation, at not less than par value; *Provided further*, That said company may commence the construction of said road with all powers and privileges contained in this act, when the sum of one hundred thousand dollars shall have been subscribed, and five per cent. thereon paid to the treasurer of said company.

SEC. 4. That the persons named in the first section, or a majority of them, shall open books to receive subscriptions to the capital stock of said company at such times and places in this state and elsewhere, as they, or a majority of them may appoint, and shall give such notice of the time and place of opening said books as they may deem reasonable, and shall receive such subscriptions under such regulations as they may adopt for the purpose, and shall have power to appoint deputies or agents for receiving subscriptions; *Provided*, Any vacancy that shall happen in said board of commissioners by death, resignation, neglect or refusal to accept, shall be supplied by the remaining commissioners.

SEC. 5. That the immediate government and direction of the affairs of said company shall be vested in a board of thirteen directors, who shall be chosen by the stockholders of said company, out of their own number, in the manner hereinafter provided, and shall hold their office until others are duly elected and qualified to take their places as directors, and said directors, seven of whom, the president being one, shall be a quorum for the transaction of business. They shall elect one of their number to be president of said company; they shall also choose a secretary and treasurer, and such other officers as they may deem necessary, and the same to remove at pleasure, and from time to time to fix their compensation. Said company shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, contractors, and all others in their employ, which journal shall, from time to time be read before the board of directors, and if found correct, signed by the president. Whenever the president is absent, they may elect a president pro tempore; and they shall fill all vacancies that may happen by death, resignation, a failure to elect in case of a tie vote, decline or refusal to act, or in case any one ceases to be qualified to act as a director, or from any other cause whatever.

SEC. 6. That the persons authorized by the third section of the act to open the books for subscription to the capital stock, are hereby authorized, after the books of subscription of said company are closed, or when the sum of one hundred thousand dollars shall have been subscribed, to call the first meeting of the stockholders of said company, in such way and at such time and place as they may appoint, for the choice of directors of said company, and they shall hold an election for the first board of directors in such form and manner as they may prescribe, and grant certificates to those elected. In all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which vote shall be given by said stockholders in person or by proxy, and the annual meetings of the stockholders of said company, for choice of directors after the first one, shall be holden at such time and place and upon such notice as the said company in their by-laws may provide; the votes shall be given by ballot. No share shall confer a right to vote at any election, unless the same shall have been held three months previous to the election, except the first election, which shall, in that case, be held at least one month. But no stockholder shall be permitted to vote whilst in default, or continued in office as a director at any time during such default, nor shall any proxy be received or voted on unless the same be dated and executed within twelve months next preceding such election or general meeting; any such proxy received and voted upon as aforesaid, shall be retained and filed among the papers of the company until after the next annual election or general meeting, subject to the examination of any stockholder who may deem it.

SEC. 7. That in case it shall happen that an election of directors shall not be made on any day appointed, said company shall not for that cause be deemed to be dissolved, but such election may be holden on any other day which shall be appointed by the directors of said company.

SEC. 8. That the said directors shall have full power to make and prescribe and put in force such by-laws, rules and regulations, and the same to alter and amend as they shall deem needful and proper, touching the disposition and management of the stock, property, estate and effects of said company, not contrary to this charter or the laws of this state and of the United States, or of any state assenting to this act, so far as said railroad may pass through the same; the transfer of shares, and the time they shall be held to entitle the owner to vote thereon; the duties and conduct of their officers and servants, touching the election of, and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company. Said company is hereby authorized to accept and receive donations in land, or money, or any other property, useful to the company; to purchase, hold and convey such estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted; and may, by their

agents, surveyors, engineers and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out and construct the same, and to agree and contract for the land or right of way, with the owners, through which they may intend to make the said road.

SEC. 9. Certificates of stock shall be given to the stockholders, which certificates shall be signed by the president and countersigned by the secretary. The stock shall be assignable by transfer on the books of the company, personally, or by agents or attorney, or by the administrator, executor or guardian, the consent of the president and directors being thereto had, but such stock shall be held at all times by the company for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on contract made prior to such transfer; *Provided*, No transfer of stock shall be binding on the company until regularly entered in their books. Any State or any citizen, corporation or company of any other state, or country, may subscribe for, and hold stock in said company, with all the rights, and subject to all the liabilities of any other stockholder, and none other.

SEC. 10. The corporation shall have power to said call for such portions of the stock subscribed on each share in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper where said stock is made payable, in which shall be specified the amount demanded on each share, and the time and place of payment. If any stockholder shall neglect or refuse to pay any such requisition within the ten days after the time named for such payments, the corporation may bring suit against such delinquents for amount due, and called for, in any court of competent jurisdiction, and recover the amount due, with ten per cent. damage for such detention, and ten per cent. interest from the time due until paid, and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatsoever amount may have been paid thereon. And no such delinquent before the forfeiture of the stock shall have any right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully satisfied.

SEC. 11. Said company are hereby authorized to receive the bonds of any county, incorporate town or city, becoming subscribers to the capital stock of said company, at par and in lieu of cash. And if any subscriber to stock shall be taxed by virtue of any law or ordinance, for the payment of subscription to stock in said corporation, he shall have the right to reduce the number of his shares by an amount equal to the tax imposed under such rules and regulations as the company may adopt, but that right must be exercised within thirty days from the date of such law or ordinance; after which time it shall not be allowed.

SEC. 12. That whenever in the construction of said road, it shall be necessary to cross or intersect any established road or highway, it shall be the duty of said president and directors so to construct said road across such established road or highway as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to pass through the lands of any individual, it shall also be their duty to provide for such individuals proper wagon or cart ways across said road or roads from one part of his, her or their land to another; and also, when it may be necessary to cross any navigable river or water course, such crossing must be done without the obstruction of the navigation upon such river or other water course.

SEC. 13. That it shall be lawful for said corporation to purchase and place, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers and of all kinds of products, lumber, goods, wares, merchandize, or any other kind of property; prescribe the width of track, or guage, the construction of wheels, weight of loads, and all matters and things respecting the use of said road, and the conveyance of passengers and property, and for this and other purposes, the said corporation may construct said road with turnouts, gates, bridges, viaducts, culverts, depots, water stations, toll and warehouses, as may be considered necessary and proper for the interest of the corporation and convenience of the public. And the corporation may charge and receive such tolls and freights for the transportation of persons, commodities and carriages on said road or any part thereof, as shall be for the interest of said company, and shall have the power to levy and collect the same for the use of said company, and to charge lower, or raise the same at their pleasure.

SEC. 14. Semi-annual dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of December and June of each year, unless the president and directors decide on different days, and paid to the stockholders as soon thereafter as they can with convenience; and no dividend shall be made to a greater amount than the net profits after the deduction of all expenses; and the president and directors may retain such proportion of the profits as a contingent fund to meet subsequent expenditures, as they shall deem proper.

SEC. 15. That a regular annual meeting of the stockholders of said company shall be held at the time and place appointed for the election of directors of said company, that they may be called at any time between the annual meetings by the president and directors, or by the stockholders owning one-fourth of the whole stock subscribed, upon giving thirty days' notice in at least three public newspapers, published in places along the route of said railroad, of the time and place of holding the same; and when any such meetings are called by the stockholders, such notice shall specify the

particular object of the call, and if at any such called meetings a majority (in value) of the stockholders of said company are not present in person, or by proxy, such meeting shall be adjourned for one week, and the subsequent meeting can act and bind the stockholders of said company.

SEC. 16. That at the regular annual meeting of the stockholders of said corporation, it shall be the duty of the president and directors in office the preceeding year, to exhibit a clear and succinct statement of the business of the corporation; as also to submit at such meetings, all books and accounts of said company to the inspection of the stockholders; as also, at all times, to the inspection of committees appointed by the stockholders at any of their meetings.

SEC. 17. That every president and director of said company, and before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment; the said president and directors may require a like oath to be administered to the secretary and treasurer, and others in their employ, and in addition thereto, bond with security in such amount as they may think advisable, conditioned for the faithful performance of the duties of their several offices.

SEC. 18. That full right and privilege is hereby served to citizens of this state and the states of Louisiana and Missouri, or any company hereafter incorporated under the authority of either of said states, to connect with the said railroad hereby provided for; *Provided*, Said connection shall be formed with said road on terms usual in such cases, and that in forming such connection no injury shall be done to the works of the company hereby incorporated.

SEC. 19. That said corporation shall, in no case, directly or indirectly, engage in any kind of trade or deal in merchandize, other than such as may be necessary or proper to carry into effect the objects contemplated by this act. Nor shall said corporation, under any pretext whatever, enter into a banking business for the purpose of receiving deposits, making discounts, or issuing bills of credit of any kind or description, to pass as a circulating medium.

SEC. 20. The president and directors shall have power to borrow money upon the credit of corporation, and such other security as may be in their possession, to promote the objects of this act on such terms, as to interest and payment, as shall be deemed most for the interest of the company, provided the same can be effected at par; and to issue and dispose of their bonds in denominations of not less than \$500, nor more than \$1000; and for any amount so borrowed to mortgage their corporate property and franchises, or to convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purpose aforesaid and the president and directors of said corporation may confer on any bona fide holder of any bond issued for money borrowed as aforesaid the

right to convert the principal due, or owing thereon, into stock of said company at any time under such regulations as the directors of said company may adopt; said company shall have power to sell said bonds, either within or without this state, at such rates as in their judgment will best advance the interests of the company; *Provided*, The same be not sold under par.

SEC. 21. That when said road is located, it shall be the duty of said corporation to cause a plat of the same to be deposited, so far as the said road is in the limits of the State of Arkansas, in the office of the Secretary of State: *Provided*, Nothing herein contained shall prevent said corporation from changing the location of said road, if in the progress of the work it should be expedient to do so for the interest of the corporation and the public.

SEC. 22. All contracts and engagements authenticated by the President of the board, shall be binding on the company with seal or such other mode of authentication, and may be used as the company by its by-laws may adopt.

SEC. 23. No person but a bona fide stockholder, in his own right, of at least fifty shares, which he shall have held at least three months previous to the election, (except the first election) shall be president or director of the company, nor shall any stockholder vote in person or by proxy at any general or other election (except the first) who shall not have held in his own right the shares on which he offers to vote, at least three months.

SEC. 24. Process on said company shall be served on the President, by leaving a copy to his address, at the principal office of the corporation, in the hands of any of its officers. The said corporation shall have power to establish a principal office at such place as they may see fit, and the same to change at their pleasure.

SEC. 25. The capital stock of said company, with all the immunities and franchises herein specified, and all machines, cars, engines, or carriages, belonging to said company, together with all their works and property, and all profits which shall arise from the same, shall be vested in the respective stockholders of the company forever, in proportion to their respective shares. And the capital stock of said company and the dividends shall be exempted from taxation until a dividend of six per cent. is realized upon the capital stock, and the road with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempted from taxation for the period of twenty-five years from the completion of the road, and no tax shall ever be levied on said road or its fixtures, which will reduce the dividends below ten per cent. per annum. Said stockholders shall not be bound or liable for any greater amount than the respective shares of stock which they or either of them own.

SEC. 26. The president and directors, clerks, agents, officers and servants of said company shall be exempt from military duty and serving on juries and working on public roads.

SEC. 27. No member of the board of directors; agents, officers or servants of the company shall be directly or indirectly interested in any contract for work; nor shall any director vote on the passing of any bill for materials, in which he is directly or indirectly concerned; nor shall any director, officer, agent or servant of said company be directly or indirectly interested in the purchase of lands, buildings or other property; immediately on the line of said railroad, without first having offered to the board of directors, in writing, the right of pre-emption to all or any part of said lands, buildings or other property, which the said board may think proper to purchase for the use of the company; and any director, officer, agent or servant violating these provisions, may be removed from the board, his office or employment, by a vote of the directors; and any purchase made in violation of this section shall inure to the benefit of the company, if the board of directors choose to avail themselves thereof.

SEC. 28. The president and directors for the time being, are hereby authorized or empowered by themselves, their officers or agents, to execute all the power herein granted for the purpose of surveying, locating, constructing, completing, altering, maintaining and of operating said road; and for transposition upon the same, persons, goods, wares, and merchandse, with all such powers and authority of control, and management of the affairs of said company, as may be necessary and proper to carry into full and complete effect the meaning and intent of this act.

SEC. 29. That said corporation shall have power, and are hereby fully authorized to accept, through its president and directors, any supplemental or amendatory act of the General Assembly of this State, which may be passed with a view to facilitate the operation of said company, or for any other purpose.

SEC. 30. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act, and construed liberally for the object herein set forth, and the regular organization of the company, under the same, shall be presumed and considered as proved in all courts of justice; and all laws and parts of laws in conflict with this act, are hereby repealed.

Approved 12th January, 1853.

An act for the Protection of Orphan Children.

SECTION.

1. Estate of deceased, leaving minor children, and no widow, not exceeding \$300, shall vest in such minor children; probate court not

SECTION.

- to appoint administrator on such estate.
2. This act in force from its passage; laws in conflict repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That when any man shall die, leaving minor children and no widow, and his estate shall not be above the value of three hundred dollars, his entire estate shall pass to and vest in his minor children, for their support and education, and the probate court shall not be required to appoint an administrator on such estate.

SEC. 2 *Be it further enacted*, That this act shall take effect from its passage, and all laws in conflict are repealed.

Approved 12th January, 1853.

An act to amend an act in Relation to Fines.

SECTION.

1. Grand juror giving good excuse for delinquency; shall be acquitted of

SECTION

costs.

2. This act take effect from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That any delinquent grand juror upon appearing and showing a good and reasonable excuse for such delinquency, to the judge of the circuit court, he shall be acquitted of costs.

SEC. 2. That this act take effect from its passage.

Approved 12th January, 1853.

An act to define the Line between Searcy county and the county of Van Buren.

SECTION

1. Defines line between Searcy and Van Buren counties.

SECTION

2. This act; to take effect from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the township line between twelve and thirteen north, running east from the Newton county line, to range line between seventeen and sixteen west, thence north with said range line to township line, between thirteen and fourteen north, thence east with said township line to the Izaard county line; shall be the dividing line between the counties of Searcy and Van Buren.

SEC. 2. This act to take effect from its passage.

Approved 12th January, 1853.

An act to Exempt the Citizens of certain Townships in this State from serving on Juries.

SECTION

1. Certain citizens of Mississippi and Van Buren counties, exempted from serving on juries at spring term of

SECTION

- circuit courts of said counties.
2. This act in force from its passage:

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the citizens of Buffalo Island and Big Lake townships, in the county of Mississippi, and the township of Independence, in the county of Van Buren, be, and they are hereby exempted from serving upon either the grand juries or petit juries, at the spring term of the circuit courts, within and for said counties.

SEC. 2. *Be it further enacted*, That this act be in force from and after its passage.

Approved 12th January, 1853.

An act to attach part of Van Buren County to the County of Pope.

SECTION

1. Attaches a part of Van Buren county to the county of Pope.
2. Sheriff of Van Buren empowered to collect taxes due from persons on

SECTION

- said detached portion; and have two years to collect state and county tax.
3. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that part of Van Buren county lying west of range line, dividing seventeen and eighteen, commencing at the corner of the now county of Conway, thence north with said line to the county of Searcy, be, and the same is hereby attached to the county of Pope.

SEC. 2. *Be it further enacted*, That the now sheriff of the county of Van Buren shall have full and lawful power to collect any and all taxes due, by any person or persons, that may be stricken off by said change of county lines between the counties of Pope and Van Buren; *Provided*, That said sheriff shall have full power to collect, within two years, any and all taxes due to the state, or county of Van Buren, within two years.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to amend the Sixty-second Section of the One Hundred and Fortieth Chapter of the Digest of the Stautes of Arkansas, under the head of Private Roads.

SECTION

1. Specifies proceedings in case of any person's land being surrounded by those of another person, and who refuses to allow a road to pass through his lands; which proceed-

SECTION

ings shall by petition to county court for a jury to view and lay out said road, and assess damages, to be paid by petitioner.

2. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That where the lands of any person shall be surrounded or enclosed by the lands of any other person or persons, who refuse to allow to such person a private road to pass to or from his lands, it shall be the duty of the county court, on petition of any person whose land is so surrounded, to appoint a jury of viewers, who shall on oath, view the premises and lay off and mark a road through the land of such person or persons refusing as aforesaid, in such manner as to do the least possible injury to such person, and report the same to the next court, which court shall have power to grant an order to said petitioner to open such road, not exceeding fifteen feet wide, and keep the same in repair; and if any person shall thereafter shut up or obstruct said road, he shall be liable to all the penalties to which any person is liable by law for obstructing public roads; *Provided,* The damages adjudged by the jury aforesaid, shall in all cases, be paid by the person applying for such order, together with the costs of summoning and empanneling said jury.

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to extend the act putting the State Bank in Liquidation.

SECTION.

1. Extends the time of the act putting state bank into liquidation for 2

SECTION

years from the approval of this act; this act in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the act heretofore passed, placing the state bank in liquidation, be, and the same is hereby extended so as to allow and authorize the agents of the state to proceed with the collection of the debts due that institution from this time forward, for the period of two years from the date of the approval of this act, in the same manner and with the same effect as they might, could or should have, from under the provisions of said act of liquidation which this act is intended to extend; and that said act is hereby

declared to be in full force and effect for the period of two years and after the time appointed in said act for the continuance thereof; and that this act shall be in force from and after its passage.

Approved 12th January, 1853.

An act directing the Attorney General to file a Bill in Chancery to divest the Trustees of the Real Estate Bank of the Assets of that Institution.

SECTION

Attorney general to file a bill in Pulaski circuit court, against all trustees of Real Estate Bank living, and against representatives of those who are dead, to account for all things done by them under their trust, embracing

SECTION

within said bill all officers and agents of said trustees, and make them to account for all moneys lost by statute limitation, or otherwise, &c. Governor to employ two lawyers to assist in prosecuting said cause.

WHEREAS, There has been no thorough investigation of the affairs of the Real Estate Bank since the execution of the deed of trust and assignment; and whereas, it is known that the trustees have, in many respects, violated the provisions of said deed, and there is great reason to believe that great losses have been sustained by their neglect and improper conduct; Therefore,

Be it enacted by the General Assembly of the State of Arkansas, That the attorney general be, and he is hereby instructed to file in the Pulaski circuit court, in the name of the State of Arkansas, and at the next term thereof, a bill in chancery against the present, and all the former trustees, who are living, and against the legal representatives of those who are dead, calling upon them to account for all things done under said trust by them; making all proper allegations and interrogations in said bill for that purpose, and to pray, that if it shall appear necessary and proper, that the present trustees may be removed, and others appointed in their place; and also to embrace in said bill, all officers and agents of said board of trustees as defendants, and call on them to set forth and exhibit an account of their actings and doings with the assets and property of said trust, and to account for all moneys received by them, and to show of whom and when received, and to make all of said defendants account for all debts lost by statute of limitation, and otherwise; to make an exhibit of all the debts due to said bank at the time of said assignment, and how each debt has been discharged, and if not discharged what is the reason thereof, etc. And to pray in said bill that the said trust may be properly executed, and in the speediest manner drawn to a close, as well as for general and special relief against all of said trustees.

Be it further enacted, That the governor is hereby authorized to

employ two efficient and eminent lawyers to aid in the prosecution of said cause.

Approved 12th January, 1853.

An act supplementary to an act entitled "an act directing the Attorney General to file a Bill in Chancery to divest the Trustees of the Real Estate Bank of the Assets of that Institution."

SECTION

1. The institution mentioned in an act directing attorney general to file bill in chancery, is declared to mean the Real Estate Bank of the State of Arkansas.
2. Report of senate committee on banks made to present General Assembly, giving a description of bonds redeemed by said bank since 2nd April, 1842, to be taken in said suit in chancery without any further proof.

SECTION

3. Present trustees divested by decree of said court of the assets of said Bank, the trustees to be appointed by said court to take from debtors, or said trustees, state bonds heretofore issued, and coupons due on said bonds at the time of payment, in payment of debts due, or hereafter to become due to said institution.
4. This act to take effect and be in force from its passage,

SECTION 1. *Be it enacted by the General Assmbley of the State of Arkansas*, That the institution designated in the title and preamble of an act entitled an act directing the attorney general to file a bill in chancery to divest the trustees of the Real Estate Bank of the assets of that institution, be, and the same are hereby declared to mean the Real Estate Bank of the State of Arkansas, and the provisions of said act are hereby declared to apply to that institution, and the trustees, agents and servants thereof, under the deed of assignment of the 2nd April, 1842.

SEC. 2. *Be it further enacted*, That in the suit in chancery authorized to be brought by the Attorney General under the provisions of the above recited act, the report of the committee on banks on the part of the senate, submitted at the present General Assembly, made in reference to said Real Estate Bank, so far as the same purports to give a description of the bonds redeemed by said bank or the trustees thereof, since the 2nd of April, 1842, shall be received, taken and held to be evidence of what it purports without further proof thereof, and a duly certified copy of such part of said report from under the hand and seal of the secretary of state shall be as high evidence of the original, any law or usage to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That in case the circuit court of Pulaski county, in chancery, shall, by decree, divest the present trustees of the possession and custody of the assets of said Real Estate Bank of the State of Arkansas, under the provisions of the above recited act, to which this is intended to be a supplement, then, and in that case, it is hereby made the duty of the trustees

to be appointed by said circuit court of Pulaski county in chancery, after they shall commence the performance and execution of the trusts mentioned and set forth in said deed of the 2nd of April, 1842, and shall proceed to the collection of the debts due to said Real Estate Bank, to the original trustees appointed under said deed, or the residuary trustees, as therein provided for, to receive and take from the debtors of said bank or said trustees, the bonds of the state heretofore issued, and any coupons that may be due on such bonds at the time of such payment, in payment of any and all debts that may be due, or shall hereafter become due to said institution or the trustees thereof as aforesaid, any thing in said deed of assignment to the contrary notwithstanding.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act in relation to the Distribution of the Acts and Journals.

SECTION

1. Public printer to print and deposit in office of secretary of State 2500 copies of the acts of present General Assembly, by first May next, and 1000 copies of journals by first of June next.
2. Secretary of state to distribute same by mail to the counties according to representation.
3. Auditor to issue warrant in favor of secretary to defray expense of postage on same. Secretary to take postmaster's receipt and file it with auditor.

SECTION

4. Clerks of the respective counties on receipt of said acts and journals, to receipt by mail to secretary of state for same.
5. Names the persons entitled to copy of acts and journals.
6. Authorizes the publication of same number of laws, and at the same price, in "True Democrat," "Gazette and Democrat," as in the "Whig."
7. \$250 appropriated to distribute acts and journals of present session; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the public printer be, and he is hereby required to print, in pamphlet form, and deposit in the office of the secretary of state, twenty-five hundred copies of the acts of the present General Assembly, on, or before the first day of May next; and he is further required to print, in the same manner as above, one thousand copies of the journals, on or before the first day of June next.

SEC. 2. The secretary of state is hereby required, immediately after said acts and journals are deposited in his office, to envelope them in convenient packages to be carried by mail, and distribute the same to the respective counties in this state, according to their present representation in the present General Assembly; *Provided*, That the county of Columbia shall be entitled to the same number of copies, equal to a county having one representative. Said secre-

tary shall direct said acts and journals to the clerks of the respective counties in this state.

SEC. 3. It shall be the duty of the auditor so soon as he is informed by the secretary of state that said acts and journals are ready for distribution, to issue his warrant upon the treasurer for such sum as will be sufficient to pay the postage upon said acts and journals, in favor of the secretary of state, whose duty it shall be, then to deposit said acts and journals in the post office at Little Rock, and pay the postage thereon, and take the receipt of the postmaster for all of said acts and journals, together with the amount of postage paid thereon; which receipt shall be filed with the Auditor.

SEC. 4. It shall be the duties of the clerks in the respective counties in this state, within three months from the time of the receipt of all, or any portion of said acts and journals, to transmit by mail to the secretary of state, a receipt for the same, which receipt shall be filed with the auditor of this state.

SEC. 5. Every member of the General Assembly, all officers required by law to be elected by joint vote of the houses of the General Assembly, the Governor of the state, the clerk, sheriff, coroner, county treasurer, county surveyor, justices of the peace and constables of each county in this state, shall each be entitled to receive from the clerk in their county, one copy of the acts and journals.

SEC. 6. That the secretary of state is hereby required to have the same number of laws, passed at this session, published in the True Democrat and the Gazette and Democrat, as is required to be published in the Whig, and that they receive the same pay that the Whig receives; *Provided*, That said publication shall be completed on, or before the first day of April next.

SEC. 7. That the sum of two hundred and fifty dollars, be, and the same is hereby appropriated out of any money not otherwise appropriated, to pay for the distribution of said acts and journals; and that this act take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to pay the Inspectors of the Penitentiary.

SECTION

1. \$375 appropriated to pay inspectors,

SECTION

of Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of three hundred and seventy-five dollars be, and the same is hereby appropriated, to pay C. C. Danley, J. H. Crease and D. B. Greer, for their services as inspectors of the peni-

tentiary out of any money in the treasury not otherwise appropriated.

Approved 12th January, 1853.

An act to declare Champagnolle Bayou, in the county of Calhoun, a Navigable Stream.

SECTION

1. Champagnolle Bayou declared navigable.

SECTION

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Champagnolle Bayou in the county of Calhoun, in this state, be, and the same is hereby declared a navigable stream.

Approved 12th January, 1853.

An act to Exempt the Citizens of Walnut Township in the County of Phillips, from serving on Juries at the Spring Terms of the Circuit Court in said County.

SECTION

1. Exempts citizens of Walnut township, Phillips county, from serving on juries at spring term of circuit

SECTION

court of said county.

2. Laws in conflict with this act repealed; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the citizens of Walnut township, in the county of Phillips, in this state, be exempted from serving on juries at the spring terms of the circuit court in said county.

SEC. 2. *Be it further enacted,* That all laws in conflict with this act be, and the same are hereby repealed; and that this act be in force from and after its passage.

Approved 12th January, 1853.

An act for the Preservation of Certain Records in the Auditor's Office.

SECTION

1. Auditor to cause to be copied returns of lands sold, or forfeited for taxes, in a book provided for that purpose.

SECTION

2. Extracts, entry or entries from these lists, certified by auditor to be received in evidence.

SECTION.

3. \$750 appropriated to meet expense of copying said lists, purchasing books, and covering tax books now:

SECTION

in Auditor's office.

4. This act to take effect and be in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall be the duty of the auditor to procure well bound books, and cause to be copied therein the returns now on file and which may hereafter be filed in his office, relative to lands sold or forfeited at collector's sale.

SEC. 2. *Be it further enacted,* That any extract, entry, or entries from these lists, books, tax-books, or any of the records of said office properly certified by the auditor, shall be received in any court in evidence, in the same manner as if a copy of the entire list, book, tax-book, or other record had been produced.

SEC. 3. *Be it further enacted,* That the sum of seven hundred and fifty dollars be, and the same is hereby appropriated to pay the expenses of the purchase of books and copying said lists, now on file, and for covering the tax-books now in the auditor's office.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to amend an act passed at the last session of the General Assembly granting a Charter to George W. Robertson and Blake Little, to erect Toll Bridges on the Batesville road, in Poinsett county.

SECTION.

1. Inhabitants of Poinsett county exempted from toll for crossing any bridge built under the said charter.
2. Said Robertson and Little liable for injury or damage to persons or property in crossing said bridges for want of proper attention to the safety of such persons or property in crossing their bridges.
3. Penalties mentioned in fourth section of said act, not to apply to persons

SECTION.

- crossing 3 miles below or 3 miles above the bridges; but any person may have and keep in repair any crossing, by bridge or ford, at the above or greater distance from said bridges, free of the penalty imposed in said fourth section.
4. Laws and parts of laws in conflict with this act repealed.
5. This act shall take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the inhabitants of the county of Poinsett are hereby exempted from the payment of toll for crossing any and all bridges erected, or to be erected under the authority of said charter.

SEC. 2. *Be it further enacted,* That the said Robertson and Little shall be held liable for any injuries or damages sustained by persons or property, in passing said bridge, or bridges, that may be caused by their failures, or neglect, to keep said bridges in good

order, or caused otherwise, by their want of proper attention to the safety of persons or property, crossing their said bridges.

SEC. 3. That the penalties in the fourth section of the said act, shall not be construed to apply to any person, or persons, who shall cross any of the streams three miles above, or three miles below any, or all of the bridges of the said Robertson and Little, and that any person, or persons, who may choose to have crossings of any of the streams at three miles distance from said bridge, or bridges, or at any greater distance therefrom, shall have the free use of any such crossing, whether the same be by fording or bridges, and shall have the free right of keeping such fords, or bridges, in repair and of using the same without incurring the penalties of said fourth section.

SEC. 4. *Be it further enacted*, That all laws and parts of laws conflicting with this act be, and they are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to provide the Clerk's Office of each County with a copy of the latest edition of Langtree's Map.

SECTION

1. Secretary of state to procure for each county in this state a copy of the latest edition of Langtree's sectional map of Arkansas, and distribute

SECTION

the same with the acts and journals; to be hung up in county clerk's office, for use of the public; \$200 appropriated for this purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the secretary of state be required to purchase a copy of the latest edition of Langtree's sectional map of Arkansas, for each county in this state, and distribute the same with the acts and journals; to be hung up in the clerk's office of each county for the use of the public, and that the same be paid for on the certificate of the secretary of state, and that the sum of two hundred dollars is hereby appropriated therefor.

Approved 12th January, 1853.

An act to Incorporate the Napoleon and Little Rock Railroad Company.

SECTION

1. Incorporates certain persons, to be known as the "Little Rock and Napoleon Railroad Company," with a capital stock of \$2,000,000.

SECTION.

2. Grants to said company all the powers, privileges and immunities, granted to the "Mississippi Valley Railroad Company," and subject

SECTION.

to same liabilities and forfeiture.

3. Company, or a majority of them to provide for opening books for subscription for stock, at such times

SECTION.

and places as they may determine, and do all things for said company as Mississippi Valley railroad company are authorized to do.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That James Yell, James Smith, Thompson B. Flourney, William H. Sutton, N. B. Burrow, Samuel Mitchell, Creed Taylor, John S. Roane, R. H. Johnson, Solon B. Jones, John A. Jordan, Thomas S. James, N. H. Fish, William E. Ashley, Ramsey L. Mason, J. W. Clay, Robert W. Walker, Benjamin S. Johnson, Terence Farrelly, Chas. P. Bertrand, P. B. Gracie, Samuel C. Roane, James Scull, William Wright, George P. Watson, Floyd Smith, B. W. Lee, Asa McKenzie, Garland Hardwick, George Atkins, B. F. Richardson, William R. Anderson, William Sexton, Samuel Taylor, John B. Hall, Abner L. Burrow, and such other persons, corporations, towns, cities, or counties, as may subscribe stock in said company, be, and the same are hereby incorporated; to be known and distinguished as the "Little Rock and Napoleon Railroad Company," and its domicil is fixed at Pine Bluff, and the capital stock of said company shall be fixed at two millions of dollars.

SEC. 2. *Be it further enacted,* That the "Napoleon and Little Rock Railroad Company" shall have all the powers, privileges, immunities and benefits granted by act of incorporation to the "Mississippi Valley Railroad Company," and shall be subject to the same forfeitures and disabilities.

SEC. 3. *Be it further enacted,* That said company, or a majority of them, shall have power to provide for the opening of books, for the reception of subscriptions for stock, at such times and places as they or a majority of them may determine, and to do any and all such things for the "Napoleon and Little Rock Railroad Company" as the "Mississippi Valley Railroad Company" are authorized by act of incorporation to do for the "Mississippi Valley Railroad Company."

Approved 12th January, 1853.

An act to distribute the Reports of the Decisions of the Supreme Court.

SECTION

1. Secretary of state to furnish the clerks, judges and prosecuting attorneys of the several circuit courts of this state each with a copy of the reports of the supreme court.
2. Said clerks, judges and attorneys to keep said copies in good order and

SECTION

turn them over to their successors in office; failing to do so, shall be fined in any sum not less than five times the value of said copies for the use of the state, to be recovered by action of debt before any justice of the peace.

SECTION

3. Secretary to draw upon contingent fund of his office, to defray expense

SECTION

of sending said reports to the officers named.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the secretary of state be, and he is hereby required to furnish the several clerks of the circuit courts, the judges of the circuit courts, and the prosecuting attorneys of the several judicial circuits of this state, each with one full set of the reports of the decisions of the supreme court of this state, as the same are now bound, and also, with each bound volume of the said reports, as the same shall be published and bound.

SEC. 2. *Be it further enacted,* That the judges, clerks and prosecuting attorneys, so furnished with the reports, as in the preceding section provided for, shall keep the same in good order and turn over the same to their successors in office, and on failure so to do, they shall be fined in any sum not less than five times the value of the volumes which they shall fail to turn over, to be recovered by an action of debt before any justice of the peace, for the use of the State of Arkansas.

SEC. 3. *Be it further enacted,* That the secretary of state shall be authorized to draw upon the contingent fund of his office for the payment of the necessary expense incurred by transmitting said reports to the respective officers entitled to receive the same.

Approved 12th January, 1853.

An act supplemental to an act entitled "an act to adjust the Title and provide for the sale of certain lands of the grant of 500,000 acres contracted for by persons who have proved insolvent, or left the State without making any payment for said lands, approved 10th January, 1851.

SECTION

1. Land attorney and state collector within six weeks from passage of this act, and every year thereafter, to file with auditor a list of persons executing bonds to the state for

SECTION

purchase of 500,000 acre grant at \$2 per acre.

2. Revives the provisions of above entitled act; and this act take effect from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall be the duty of the land attorney and state collector, within six weeks from the passage of this act and once every year thereafter, to make out, certify, and file with the state auditor of the state, a complete list of the names, arranged in alphabetical order, of all persons who executed bonds to the State of Arkansas for the purchase of lands of the 500,000 acre grant at the rate of two dollars per acre, in strict accordance with the provis-

ions of the first section of the above entitled act, to which this is a supplement.

SEC. 2. *Be it further enacted,* That all the provisions of the above entitled act, be, and the same are hereby revived and in full force; and that this act be in force and take effect from and after its passage.

Approved 12th January, 1853.

An act to repeal, in part, the One Hundred and Seventeenth Chapter of the Digest of the Statutes of the State of Arkansas, under the head of "Patrols."

SECTION

- 1 Justice of the peace may appoint one or more companies of patrol in his township.
2. Each company to have a captain, and as many as five under his direction.
3. Patrols shall go to places where negroes are believed to unlawfully assemble as often as once in two weeks.
4. Patrols performing their duty according to law, exempts from military duty, serving on juries and working on roads.
5. Persons requiring appointment of patrol, receive list from justice, and

SECTION.

- serve the same within five days on the captain, and furnish him with the list.
6. Any one refusing to act as patrol to be fined by any justice of his township, not less than \$10, nor more than \$20, to go to township school fund.
7. No one compelled to serve as patrol not subject to military duty.
8. Any law in conflict with this act repealed.
9. This act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That any justice of the peace shall, from time to time, when it may be thought necessary by three householders of his township, appoint one, two or three companies of patrol, to continue in office four months.

SEC. 2. Each company shall consist of one discreet person, to be called captain of the patrol, and as many under his direction as five, who shall severally perform the duties assigned them by law.

SEC. 3. Persons appointed patrols shall ride once every two weeks, or oftener, if necessary, and shall go to any place in their township where they have reason to believe that negroes will assemble unlawfully.

SEC. 4. Patrols who perform their duties according to law, shall be exempted from working roads, serving on juries, and performing military duty, for the time of their appointment.

SEC. 5. It shall be the duty of one of the householders requiring the appointment of patrols under this act, to receive from the justice of the peace, a notice of such appointment, with a list of the men of the company, and this notice he shall, in five days, serve on the captain of patrol so appointed, and furnish him with the

aforesaid list of men, who shall be subject to the orders of the captain under the provisions of this act.

SEC. 6. If any person appointed a patrol under the provisions of this act, shall refuse to perform the duties thereof, when called on, such person shall be fined by any justice of his township, on the report of the captain of the patrol, not less than ten nor more than twenty-five dollars, and cost of suit, to be appropriated to the township school fund.

SEC. 7. No person shall be compelled to serve as patrol, who is not subject to military duty.

SEC. 8. That any law in conflict with the provisions of this act be, and the same is hereby repealed.

SEC. 9. That this act be in force from and after its passage.

Approved 12th January, 1853.

An act to amend the Fourth Section of the fifty-first Chapter of the Digest, under the head of Sabbath Breaking.

SECTION

1. Any one convicted of playing at any game of cards for money or pleasure on Sunday to be fined not less than \$25, nor more than \$50.

SECTION

2. All laws and parts of laws in conflict with this act repealed.

3. This act to take effect and be in force from and after its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That every person who shall on the christian sabbath, or sunday, be engaged in any game of brag, bluff, poker, seven up, three up, twenty-one, vintien, thirteen cards the odd trick, forty-five, whist, or at any other game at cards, known by any name now known to the laws, or with any other new name, for any bet or wager on such games, or for amusement without any bet or wager, shall, on conviction thereof, be fined in any sum not less than twenty-five dollars, nor more than fifty dollars.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

SEC. 3. *And Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to authorize and allow Foreign Guardians to remove from this State the property of their Wards.

SECTION.

1. Guardians not residents of this state whose wards may have property in this state, upon producing evidence of appointment of such guar-

SECTION

dianship, have power to apply to probate court of the county where such property is, for an order to remove same; said court being satis-

SECTION

fied of the authority of such guardian, shall enter up such order.

SECTION

2. This act to take effect and be in full force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That hereafter it shall be lawful for guardians appointed in any of the states, territories, or districts of the United States, whose wards may have any property within this state, on bringing evidence of his or her appointment and qualification as such guardian, duly certified and authenticated according to law, to apply to the probate court of the county in which such property may be situate for an order authorizing such guardian to remove said property from this state, to the state territory, or district in which such guardian shall have been appointed and qualified as such; and such probate court, on being satisfied of the authority of such guardian, shall enter up an order authorizing the removal of such property by such guardian.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act supplementary to an act, approved 11th January, 1851, authorizing the Land Agent to sell certain Lands.

SECTION.

1. Provides for the sale by state land agent, or sub-agent, of certain land conveyed to the state by Alfred Wallace, and take notes thereof; 30 days' notice to be given in writing of said sale, and one insertion in a Little Rock paper, said lands not

SECTION.

to sell for less than \$1,25 per acre, except town lots.
2. Notes so taken, to be filed in the office of state land agent.
3. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the lands and town lots situate in the counties of Benton, Crawford, Washington and Johnson, conveyed to the State of Arkansas by Alfred Wallace, shall be sold at the court house in the county where situated, by the state land agent, or a sub-agent by him to be appointed in such county, by giving at least thirty days' notice in writing, put up at the several places of voting in such county, and one week's insertion in some newspaper at Little Rock; and shall take notes therefor, as provided for by the laws now in force in relation to internal improvement land; *Provided,* That none of such land shall be sold for a less sum than one dollar and twenty-five cents per acre, except the town lots.

SEC. 2. *Be it further enacted,* That such notes so taken shall be filed in the office of the state land agent. The state land agent

shall be liable for all the acts and doings of such, or the officer having charge of the business of the public lands of the state.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act in aid of Deeds of Conveyance made by Administrators and others.

SECTION

1. Deeds of conveyance made by administrators, executors, guardians, commissioner in chancery, and sheriff of real estate sold under execution, shall vest in grantee, his or her assigns, a valid title, and be evidence of the facts therein stated, until the contrary be made appear,

SECTION

2. Every deed so made, acknowledged and recorded, or a certified copy, under seal of recorder, shall be received in evidence in any court in this state.
3. This act to take effect from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all deeds of conveyance made by administrators, executors, guardians and commissioners in chancery, and deeds made and executed by sheriffs of real estate sold under executions, duly made and executed, acknowledged and recorded, as now required by law and purporting to convey real estate, shall vest in the grantee, his, or her heirs and assigns, a good and valid title, both in law and in equity, and shall be evidence of the facts therein recited, and of the legality and regularity of the sale of the lands so conveyed until the contrary be made appear.

SEC. 2. *Be it further enacted*, That every deed so made, executed, acknowledged and recorded, or a certified copy thereof, under the seal of the recorder of the proper county, shall be received in evidence in any court in this state, without further proof of its execution.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

Approved 12th January, 1853.

An act to authorize and prescribe the manner by which persons in this State may adopt illegitimate children and others, and make them their Heirs at Law.

SECTION

1. Any person desiring to make any one an heir at law, may do so in writing, acknowledged before any judge

SECTION

or justice of the peace, clerk of any court, or any court of record in this state.

SECTION

2. To make such declaration valid, it shall be recorded in the county where declarant resides, or in the county where the person resides in

SECTION

whose favor it is made; this act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That in all cases hereafter, when any person may desire to make any person or persons his or her heirs at law, it shall be lawful to [do] so by a declaration in writing in favor of such person or persons, to be acknowledged before any judge, justice of the peace, clerk of any court, or before any court of record in this state.

SEC. 2. That before said declaration shall be of any force or effect, it shall be recorded in the county where the said declarant may reside; or in the county where the persons in whose favor such declaration is made may reside; and that this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to sell the Saline Lands belonging to the State of Arkansas.

SECTION

1. Authorizes the officer having charge of the sale of state lands, to advertise and sell the saline lands; one-fifth of purchase money in hand and the balance in five equal annual installments, with 6 per cent. interest from day of purchase; failure to pay two installments and interest, a forfeiture, and the land may be disposed of at private sale for not less than \$1.25 per acre.
2. Lands not sold on day of public sale may be disposed of upon terms already set forth.
3. Notes given for sale of saline lands and payments thereon, &c., to follow routine of notes given for in-

SECTION

- teral improvement and seminary lands.
4. Said lands may be sold in lots of 40 acres each, except where a salt spring is located, which shall be in a tract not less than 160 acres.
5. Pre-emptor on saline lands has right to entry at \$2 per acre; upon making proof thereof to the land agent and payment of one-fifth of purchase money; and give bond to the state for remainder.
6. Proof of payment of money and bonds to the state required in section 5, must be made and completed in proper office, three days before public sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the officer having charge of the sale of the state lands shall advertise in the newspaper in this city, having the largest circulation, and in one of the newspapers of the southern, northern, eastern and western portions of the state having the largest circulation in those respective districts, a list of the saline lands, fixing a day on which they shall be offered for sale at public auction, for not less than one dollar and twenty-five cents per acre; one fifth of the purchase money payable on the day of sale, and the balance in five equal annual installments, with interest at six per cent. from the date of the purchase; any failure to pay two installments and inter-

est when due, shall be construed as a forfeiture of the contract on the part of the purchaser, and the land may be disposed of at any time thereafter at private sale at a price not less than one dollar and twenty-five cents per acre.

SEC. 2. *Be it further enacted*, That such lands as are not sold on the day of public sale fixed upon by advertisement, as provided in the preceding section, may be disposed of any time thereafter by the officer having charge of the same upon the terms already set forth.

SEC. 3. *Be it further enacted*, That the custody of notes given for saline lands, the payments thereon, and all the details of transactions connected therewith, shall follow the routine now, or hereafter provided for the notes given for the internal improvement and seminary lands.

SEC. 4. *Be it further enacted*, That said lands may be sold in legal sub-divisions of forty acres each, except the one upon which is located a salt spring, and which shall not be sold in a tract less than one hundred and sixty acres, contiguous to the salt spring.

SEC. 5. *Be it further enacted*, That any person residing, or having any improvement on any of the saline lands in the state, shall be entitled to the pre-emption on the same, with the privilege of entering the same at the rate of two dollars per acre; *Provided*, He or she make proof of the fact before the land agent, or other officer who may have the disposition of the saline lands, and pay into the treasury one-fifth of the purchase money, and enter into bonds to the state for the balance in five equal annual installments, conditioned as provided in section one of this act.

SEC. 6. *Be it further enacted*, That the proof of payment of money and bonds to the state, required in section five, must be made and completed in the proper office at least three days before the public sale, under the provisions of section one of this act.

Approved 12th January, 1853.

An act to provide more fully for the Incorporation of the City of Fort Smith.

SECTION

1. Describes the boundaries, and declares the inhabitants thereof a body corporate and politic, by the name and style of "The city of Fort Smith;" to have perpetual succession; sue and be sued, plead and be impleaded, in all courts of law and equity; may receive, purchase, and hold real, personal, and mixed property, and the same to dispose of for the benefit of said city.
2. Corporate powers shall vest in and be exercised by a mayor, nine aldermen, two justices and one city

SECTION

- constable.
3. Officers to be elected by citizens of said city. Persons owning real estate in city, and not residents, may vote at city elections.
4. Six months' residence in said city necessary to eligibility to hold office
5. An election to be held on first Monday in February, 1853, and annually thereafter for city officers. Failing to hold election on that day, common council to appoint a day for an election which shall be valid.

SECTION.

in all respects. A failure to hold first election under this charter not to work a forfeiture, but such election may be had by call of six householders of said city by giving fifteen days' written notice or by publication in a newspaper.

6. Common council to prescribe mode of holding city elections; provided first election under this act, be in accordance with the general laws of this state, at which the electors shall appoint the judges and clerks.
7. Judges and clerks of first election, and city recorder subsequently, shall within five days after election return to secretary of state an abstract of votes for mayor and justices.
8. Common council to appoint officers not named in this act; define their duties and fix the fees thereof.
9. Mayor to hold office two years and commissioned by governor; aldermen to hold office one year; justices of the peace hold office, be commissioned, and possess qualifications as justices elected by townships. City constable and collector to hold office one year, and give bond, approved by mayor, for the faithful discharge of his duties.
10. There shall be a recorder, treasurer and an assessor, to hold office one year; to give bond for the faithful discharge of their duties.
11. Legislative powers vested in common council; shall choose their president and other officers; a majority a quorum; shall keep a journal of proceedings, etc.
12. Common council to be paid for services out of city treasury.
13. Style of ordinances shall be, "Be it ordained by the Common Council of the city of Fort Smith," and shall be presented to the mayor for his approval; if he return the same within five days with his objections, and the same shall again pass by a two-thirds vote, or if he fail to return the same within five days, in either case the same shall go into effect.
14. Designates the powers of the common council.
16. Council to provide for sale of property for taxes, and redemption thereof.
17. Council to appoint a street commissioner and prescribe his duties.
18. Council to provide by ordinance for pavement of side-walks.

SECTION.

19. No moneys to be paid out of treasury, except by appropriation of common council, of which sums the recorder shall keep a registry,
20. All fines, forfeitures, penalties, and moneys, arising from licences, and fines for offences within the jurisdiction of city courts, enure to the benefit of said city; city to pay all expenses of the administration of justice within its limits.
21. All licenses in sec. 14, within exclusive grant of city council.
22. Executive powers vest in mayor.
23. Common council shall prescribe compensation of mayor and times of payment. Duties of mayor.
24. Office of mayor becoming, from any cause, vacant more than six months before end of term, shall be filled by election, of which recorder shall give five days' notice; if the vacancy shall occur within six months of end of term, council shall fill said vacancy by resolution; to be certified by recorder to the governor.
25. All judicial powers to be exercised by one court, styled, "the mayor's court," and it two justice's courts.
26. Mayor declared principal judicial officer in said city.
27. Powers of mayor's court concurrent and co-extensive with justices of the peace, in all civil matters, and manner of proceeding therein.
28. Mayor's court, in all offences against general laws of the state, lower than the grade of felony, shall have original jurisdiction concurrent with circuit court, within limits of said city, and proceedings therein.
29. Mayor's court shall have power to sit as examining court upon offences against criminal law of the state.
30. The two justices of the peace shall be for the county, possess the same jurisdiction, and receive same fees as justices elected for the county or township, and have exclusive original jurisdiction of offences against the ordinances of the city.
31. In cases of administration of ordinances, mayor's and justice's courts to proceed according to rules prescribed by ordinance; but no one shall be deprived of right of trial by jury.
32. Recognizances for offences, committed in the limits of city, lower than felony, shall be to the mayor's court.

SECTION.

33. Trials in mayor's court shall be by presentment or indictment of grand jury.
34. County court, notified of establishment of municipal authorities under this act, at its first term thereafter, and at each regular term, to deliver to the constable of said city a list of 16 persons to serve as grand jurors for the county and particularly for the city, who shall be summoned within 10 days after by the constable to appear at the next mayor's court, and proceed in all respects according to laws regulating grand jurors in this state.
35. County court fail to hold term, or refuse to deliver such list to constable, constable shall, 10 days before next term of mayor's summon 16 persons as grand jurors to appear before said court on first day of term, and proceed as if selected by county court.
36. Mayor's court to be held 4 times a year.
37. Mayor to issue necessary writs to carry into effect the powers conferred on him by this act.
38. All officers of said corporation to take and subscribe an oath to support the constitution of U. States and the State of Arkansas.
39. Council to provide a city jail.
40. Act declared a public act.
41. Recorder to keep an accurate record of proceedings of common council, open to inspection at all times.
42. City constable to be ministerial officer of said city, and have power to

SECTION.

- carry into effect the objects of this act.
43. Suits against the corporation shall be in the name of the city of Fort Smith, and served on the mayor.
44. Inhabitants of said city exempt from labor or tax on roads of the county; corporation responsible for good condition of roads two miles beyond corporate limits in all directions, and the county exempted from working the roads within the aforesaid space.
45. Any person sustaining damage by the city authorities failing to keep streets and roads in good repair, city liable in treble amount of damages so sustained.
46. Provides for an election to be held on 1st Monday of February, 1853, by the inhabitants of a tract of land south of Garrison Avenue, to vote for or against addition to said city.
47. The inhabitants on said tract shall upon the day appointed, appoint three judges of the election, who shall take oath, appoint clerks, who shall likewise take same oath as clerks of elections under the laws of this state.
48. When the election is held, poll books to be returned to clerk's office of the county court, who shall open and count, and make an abstract of same, and abstract to be recorded, in the register of said county in which deeds are recorded.
49. All laws in conflict with this act repealed, and this act take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas;* That all the district of country contained within the following limits, to wit: Beginning in the middle of the main channel of the Arkansas river upon the line between the Indian country and the State of Arkansas, running thence southwardly along said line to the south bank of said river, where the said line strikes the lands belonging to the United States, occupied as a military post; thence along down the bank of said river as far as said lands belonging to the United States extend; thence in a direction south of east along the line of said lands on the north-eastern side of the same, to a point where the same strikes the west line of section sixteen, in township eight north, of range thirty-two west; thence north along said line to the north-west corner of said section number sixteen; thence east, along the north side of said section sixteen to the south-east corner of the south-west quarter of the south-east quarter of section nine, in said township and range; thence due

north to the north-east corner of the north-west quarter of the south-east quarter of the same section; thence due west to the middle of the main channel of the Arkansas river; thence up the middle of the main channel of said river to the point of beginning, situated in the county of Sebastian; and the inhabitants thereof shall be, are hereby created, erected, established and constituted a body politic and corporate, by the name and style of "The City of Fort Smith," and by that name shall be known in law and equity, have perpetual succession, sue and be sued, plead and be impleaded, in all courts of law and equity having competent jurisdiction; and in all actions and matters whatsoever, may receive, purchase and hold property—real, personal and mixed, within the limits of said city, and adjacent thereto; and may lease, sell, dispose of and convey the same for the benefit of said city; may have a common seal, and alter, or change the same at pleasure; and may do all other acts as natural persons.

SEC. 2. The corporate powers and duties of said city, shall vest in and be exercised by a mayor, nine aldermen, two justices, and one city constable, who shall be elected as hereinafter provided, and such other officers as are hereinafter provided for.

SEC. 3. All officers of said city made elective by this act, shall be elected by the citizens of said city having the qualifications of voters for members of the General Assembly of this state, and shall hold their offices for the respective terms hereinafter specified, and until their successors shall be duly elected and qualified; *Provided*, That persons owning real estate in said city, though they may not reside thereon, if otherwise qualified as aforesaid, shall be entitled to vote.

SEC. 4. No person shall be eligible to any office of said city made elective by this act, who shall not have resided within the limits of said city for six months next preceeding his election, and possess the qualifications of a voter.

SEC. 5. There shall be an election held in said city, on the first Monday of February, A. D. 1853, and annually thereafter, for the election of city officers; and if for any cause the election shall fail to be held on the day appointed, an election may be ordered by the common council, at such time as they may appoint, which election shall, in all respects, be as legal as if holden on the day appointed by this act; and if a failure should occur in the first election appointed under this act, it shall not work a forfeiture of this act, but it shall be lawful for any six householders of said city to call an election of city officers under this charter, at such time as they may appoint, by giving fifteen days notice thereof by written advertisements put up in five public places in said city, or by publication in some newspaper published in said city.

SEC. 6. The common council shall have power to prescribe the mode of holding all city elections, and appoint the judges thereof; *Provided*, That the first election under this act shall be held in ac-

accordance with the general laws of this state, and the electors present shall elect the judges and clerks of said election, who shall grant certificates of election and file the poll-books of said election with the common council, after the organization thereof.

SEC. 7. The judges and clerks of the first city election shall, within five days thereafter, and the city recorder shall, within five days after every subsequent election, forward to the secretary of the State of Arkansas, an abstract of all the votes polled for mayor and for justices of the peace.

SEC. 8. The common council shall appoint all officers named in this act not made elective; and shall have power to create and constitute such other offices and agencies not established by this act, as may aid in, or be conducive to the full, free, and liberal exercise and enjoyments of the corporate franchises herein conferred and the powers herein delegated; to define the duties and fix the fees and emoluments thereof; to appoint persons to fill such offices, and agencies, and to remove the same.

SEC. 9. The mayor shall hold his office for the term of two years, and be commissioned by the governor of the state. The aldermen shall hold their offices for the term of one year; and the justices of the peace shall possess the same qualifications, hold their offices the same length of time, and be commissioned in the same manner as justices of the peace elected by the townships. The city constable shall hold his office for the term of one year; be ex-officio city collector, and shall, before entering upon the duties of his office, give bond to the city with sufficient security, to be approved by the mayor, conditional for the faithful discharge of his duties as constable and collector.

SEC. 10. There shall be appointed as above provided, a recorder, a treasurer, and an assessor for said city, whose terms of office shall be one year, subject to removal, whose duties shall be prescribed by ordinance; and who before entering upon the duties of their offices, shall give bond to the city with securities to be approved by the mayor, conditional for the faithful performances of of the duties of their respective offices.

SEC. 11. All the legislative powers granted by this act shall be vested in and exercised by a common council, to be composed of the aldermen of said city; which said common council shall convene and hold its sessions at least twice in each year, at such time and place within the limits of said city, as may be prescribed by ordinances. The common council shall choose their president and other officers; shall judge of the election returns and qualifications of its own members; and a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as it may provide; and may also determine the rule of its own proceedings, punish its members for disorderly behavior, and, with the concurrence of

two-thirds, expel a member. It shall keep a journal of its proceedings, and the yeas and nays of the members on any question shall, at the desire of any two members present, be entered on the journal.

SEC. 12. The members of the common council shall receive a compensation for their services, to be ascertained by ordinance and paid out of the city treasury.

SEC. 13. The style of all city ordinances shall be "Be it ordained by common council of the city of Fort Smith," and all ordinances passed by the common council shall be presented to the mayor for his approval and signature; if he shall refuse to sign the same, it shall not go into effect unless in case he shall return the same to the common council with his objections in writing within five days after the receipt thereof, and the same shall again be passed by the concurrence of two-thirds of the members present, or in case he shall fail so to return the same within five days from the time he shall receive the same, in either of which events, the same shall go into effect, and be as effectual in every respect, as if the same were approved and signed by the mayor.

SEC. 14. The following powers, with all the powers necessary to provide the means to carry the same into effect, are hereby granted to the common council:

1. To levy and collect taxes on all property—real, personal, or mixed, within the limits of said city, not exceeding one-half of one per centum per annum on the assessed value thereof; *Provided*, That no taxes shall be levied or collected on any church or school property, or scientific apparatus in said city.

2. To make all needful regulations to prevent the introduction of contagious diseases; to establish quarantine and enforce the same; to make provisions to secure the general health of the city, and to prevent and remove nuisances; and for these purposes, the jurisdiction of the said common council shall extend beyond the limits of said city for the distance of two miles, in all directions, within the State of Arkansas.

3. To establish and regulate night-watches and patrols; to make provisions for lighting the streets by lamps, or otherwise; and to build or repair wharves, prescribe the rate of wharfage, and regulate the anchorage and moorings of vessels.

4. To license and regulate taverns and groceries, billiard-tables, ten-pin alleys, dram-shops, auctions, hawkers, pedlers, shows, circuses, theatrical performances and other exhibitions; and to restrain and prevent tippling houses, gaming houses, bawdy houses and all other disorderly houses.

5. To build and repair bridges, aqueducts, tanks, viaducts, cisterns, wells, and all other water-works for the convenience of said city; open, grade, pave, or otherwise improve and repair streets, alleys, avenues, lanes, side-walks, drains, and sewers; to establish, repair and regulate markets; and to provide for and erect all need-

ful buildings for the use of the city, and enclose, improve and regulate all public grounds belonging to said city.

6. To provide for the inspection, weighing and measuring of provisions, hay, fodder, wood, coal, or other fuel to be used, or offered for sale in said city.

7. To provide for the prevention and extinguishment of fires, and to establish fire companies; to regulate the storage of gunpowder, saltpetre, tar, pitch, cotton, and other combustible articles, or materials; to prevent the firing of fire-arms, and other explosive compounds in said city.

8. To prevent the furious and unnecessary driving or riding of any horse, mule, or other animal within the city limits; and to provide against the drunken, boisterous, riotous and disorderly conduct of individuals; against obscene and indecent language, gestures and exhibitions upon the public streets, and against threatening, quarreling, challenging and fighting within the city limits.

9. To provide for the enumeration of the inhabitants of said city.

10. To fix the compensation of city officers; to provide the mode of contesting all the elections of city officers; and to regulate the fees of jurors, witnesses and others, for services under this act, or any ordinance of the common council.

11. To appropriate all moneys arising from fines, penalties, mulcts, forfeitures, taxes and licenses, and provide for the payment of debts and expenses of said city.

12. The common council may legally pass all ordinances, by-laws and edicts which may be necessary, or conducive to the full and effectual exercise of all the powers herein granted, and of such other and further powers for the establishment of a vigilant and complete government and police within said city, not in conflict with, or repugnant to the laws of this state, as indicated by, or flow from the spirit and object of this act; and to sanction and enforce the same by suitable penalties and forfeitures, and by fine not exceeding one hundred dollars, or by imprisonment in the city jail not exceeding one month, or both.

SEC. 16. The common council shall have power to provide by ordinance for the sale of real property for the payment of taxes, and provide for the redemption thereof: *Provided*, The same shall be laid out in lots, and a plat thereof recorded; and they shall in like manner provide for and authorize the collector to levy upon and sell any personal property in said city, for any corporation tax due from the owner thereof.

SEC. 17. The common council shall have power to appoint a street commissioner, who shall hold his office for one year, whose duties shall be prescribed by ordinance.

SEC. 18. The common council shall have power to provide by ordinance for the paving of the sidewalks by owners or occupants of lots or property adjoining the same, and if such owners or oc-

cupants fail to comply with such provisions, said council may perform such work and receive all the actual cost thereof from such owner or occupants; and the certificate of the mayor that any occupant of property, owned by a non-resident of said city, has paid the amount of said work, shall be a good off-set for rent to that amount due for said property; *Provided*, That no mere occupant of any property shall be required to pay, in any one year, a sum greater than the rent of such property for the year.

SEC. 19. No moneys shall be paid out of the treasury except by appropriation made by the common council, and the recorder shall draw his warrant upon the treasurer for such sums as are ordered by the common council and none other; and shall keep a register of all orders drawn upon the treasury, state the number, date, amount, in whose favor, and for what service or account each order is drawn.

SEC. 20. All fines, penalties, forfeitures, and moneys arising from licenses accruing under this act, or the ordinances of said city, and all fines for offences within the jurisdiction of any of the city courts, shall enure to the benefit of said city, and may be appropriated as aforesaid by the common council for the benefit thereof; but the said city shall alone be liable for, and pay all expenses of the administration of justices, so far as the same is administered by, and within, the jurisdiction of the city courts; and the county of Sebastian shall in no case be liable therefor.

SEC. 21. All licenses mentioned in the fourteenth section of this act, shall hereafter be within the exclusive grant of the common council of said city, and shall not be issued to any person for any such purpose by the county court of Sebastian county.

SEC. 22. All the executive powers granted by this act, shall be vested in, and exercised by the mayor.

SEC. 23. The mayor shall, at stated times, receive a compensation for his services, to be prescribed by the common council and paid out of the city treasury; and which shall not be increased, or diminished during the term for which he shall have been elected.

2. He may require any information in writing from the recorder or treasurer of the city, on any subject relating to the duties of their respective offices.

3. He may, by written notices, put up in three public places, or by publication in the city newspaper, in said city, convene the common council, whenever the interests of said city may require the same.

4. He shall, from time to time, give to the common council such information, and recommend to their consideration such measures as he may deem expedient.

5. He shall take care that the ordinances of said city, and the laws of the state, so far as the administration thereof is within the jurisdiction of the corporation courts, shall be faithfully executed.

6. He shall have power, after conviction under the ordinances of

said city, to remit fines and forfeitures, under such rules and regulations as shall be prescribed by ordinance.

7. He shall keep the seal of the corporation and use the same officially, whenever the same is required to be used.

8. He shall have power to administer oaths, take depositions and acknowledgments of deeds, mortgages, and other instruments of writing affecting the title of lands and other property, and certify the same under the seal of said city, which shall be received as good and valid throughout the State of Arkansas.

SEC. 24. Whenever the office of mayor shall have become vacant by death, resignation, removal from the city, or otherwise, provided such vacancy shall not happen within six months of the end of the term for which the late mayor shall have been elected, the recorder of said city shall immediately appoint a day for an election to fill such vacancy, and shall give five days notice thereof by writing put up in five public places in the city, or by publication in the city newspaper, which election shall be governed by the rules prescribed for general elections for mayor, as far as applicable; but in case such vacancy shall happen within six months of the end of the term for which the late mayor shall have been elected, then, immediately after the happening of such vacancy, the common council shall by resolution nominate some competent person to fill said vacancy, which said resolution shall be certified by the recorder to the governor of the state, and he shall immediately appoint and commission such person as mayor of said city to fill such vacancy.

SEC. 25. All the judicial powers granted by this act shall be vested in and exercised by one corporation court, to be styled "the mayor's court," and in two justices' courts.

SEC. 26. the mayor's court shall be composed of the mayor, who is hereby declared to be the principle judicial officer of said city; and no person shall be eligible to such office who is not licensed to practice as an attorney and counsellor at law at the bar of the circuit and supreme courts of the State of Arkansas.

SEC. 27. The mayor's court shall have power to hear and determine, and shall have original jurisdiction concurrent and co-extensive with justices of the peace, of all civil matters whatsoever, and in the exercise of such jurisdiction shall proceed in the same manner, and in all things be governed by the same rules of proceeding, which shall be, at the time, in force, regulating and governing justices of the peace, and shall grant appeals to the circuit court of Sebastian county, and in all things be subject to the superintendency and control of that court, that justices of the peace by the laws of the state, may at the time be.

SEC. 28. Said mayor's court shall have original jurisdiction concurrent with the circuit court of Sebastian county, of all offences against the general laws of this state, lower than the grade of felony, at the common law, committed within the corporate limits of said city, subject only to the appellate jurisdiction of the supreme

court of the state, in the same manner that circuit courts may be at the time; and all appeals from the mayor's court shall be in accordance, in all respects, with the rules and regulations governing and regulating appeals from the circuit courts, in like cases.

SEC. 29. The mayor's court shall also have power to sit as an examining court, and to commit, discharge, or recognize to the court having jurisdiction for further trial, all offenders against the criminal laws of this state, which he has not the power to try; and shall also have appellate jurisdiction over all offences against the ordinances of said city, and shall be governed in the exercise thereof by such rules and regulations as may be prescribed by ordinance.

SEC. 30. The two justices of the peace hereinbefore provided for, shall be, to all intents and purposes, justices of the peace within and for the county of Sebastian, possessing the same rights, immunities, powers and jurisdiction, and be subject to the same restrictions, in all respects under the laws of this state, as justices elected for the townships or counties; and shall receive the same fees and emoluments for their services as such, to be paid in the same way; and in addition to their powers and jurisdiction as justices under the laws of this state, they shall have as justices within and for the city, exclusive original jurisdiction of all offences committed against the ordinances thereof, subject to appeal to the mayor's court,

SEC. 31. In all cases connected with the administration of the ordinances, the mayor's court and the justices of the peace shall proceed in accordance with the system of rules of practice and pleading to be prescribed by ordinances, but no person shall be deprived of the right of trial by jury; and the common council shall prescribe the fees and emoluments of all officers not otherwise provided for by this act.

SEC. 32. All recognizances taken by said justices of the peace for offences against the laws of this state, lower than the grade of felony at the common law, committed within the limits of the city, shall be to the mayor's court, and shall be, in all respects, the same as recognizances taken by justices of the peace to the circuit courts in like cases, and shall be subject to all the laws, or parts of laws, which may, at the time, be in force in regard to the same, as far as applicable.

SEC. 33. All trials in the mayor's court for offences against the laws of this state, shall be by presentment or indictment of a grand jury, in the manner hereinafter provided.

SEC. 34. It shall be the duty of the county court of Sebastian county, at the first term thereof after it shall have been notified by the mayor of said city that the municipal authorities have been duly established, and the corporation organized under this act, and at each regular term of said county court thereafter, to make out and cause to be delivered to the constable of said city of Fort Smith, a list of sixteen persons to serve as grand jurors for the

body of the county of Sebastian, and particularly for and in behalf of the body of the corporation of Fort Smith; and it shall be the duty of said constable, within ten days after such list shall be so delivered to him, to summon the persons named therein to appear at the next term of the mayor's court, to be held in and for said corporation, on the first day of said term, to serve as grand jurors, and when so assembled they shall proceed, in all respects, in accordance with the laws and regulations at the time in force governing, establishing and regulating grand jurors in this state; shall possess the same rights and immunities, be subject to the same restrictions and penalties, and perform the same duties as far applicable, and shall receive the same emoluments for their services, to be paid by said city.

SEC. 35. If any term of the term of the county court at which grand jurors for said corporation ought to be selected, shall not be holden, or if said county court shall fail, neglect, or refuse to deliver to said constable such list of jurors as is required in the preceding section of this act, then, in either of said events, it shall be the duty of said constable, ten days before the next ensuing term of the said mayor's court, to summon sixteen persons qualified to serve as grand jurors, to appear before the said court, on the first day of the said term, to serve as aforesaid, and such grand jury shall be as legal, in all respects, as if selected by the county court of said county.

SEC. 36. The mayor's court shall be held four times in each year, at such time and place within the limits of said city as may be prescribed by ordinance.

SEC. 37. The mayor shall have power to issue writs necessary and proper to carry into effect the powers and authority conferred upon him by this act, and all writs shall be under seal of the corporation, and shall be signed by the mayor.

SEC. 38. The mayor, aldermen, recorder, constable, and other officers, shall, before entering upon the duties of their respective offices, take and subscribe an oath to support the constitution of the United States and of the State of Arkansas, and faithfully to demean themselves in office; which oath may be administered by the mayor, or any judge, or justice of the peace of Sebastian county.

SEC. 39. The common council shall provide a suitable jail for said city; and it shall be legal to commit to said city jail all persons liable to be committed to jail under the laws of this state, or by ordinances of said city.

SEC. 40. This act is hereby declared to be a public act, and shall be so regarded and received in all courts of this state, without being specially pleaded or proven.

SEC. 41. The recorder shall keep a fair and accurate record of all the proceedings of the common council, which shall be open for the inspection of all persons at all reasonable times; and he shall

keep in his office all records and public documents belonging to said city; and shall perform such other duties as shall be prescribed by ordinance.

SEC. 42. The city constable shall be the ministerial officer of said city, and of said mayor's court, and as such, shall have power to do and perform all acts necessary to carry into effect the objects of this act, and the ordinances of said city; he shall have power to execute and return all process issued by the mayor; he may serve criminal process or warrants, and subpoenas issued by the mayor for offences committed in the city, or in any part of the county and also subpoenas in civil cases.

SEC. 43. All suits by or against the corporation, shall be in the name of "the city of Fort Smith," and all process against the same shall be served on the mayor; and in case there shall be no mayor, or there shall be a vacancy in the office of mayor, then the same may be served on the recorder of said city.

SEC. 44. The inhabitants of said city shall be exempt from labor, or tax for labor, upon the roads of Sebastian county; but the said corporation shall be responsible for the good condition and repair of all roads within the limits of two miles beyond the corporate limits of said city, in all directions within the State of Arkansas, as well as the streets of said city; and for this purpose the common council, in addition to the taxing powers hereinbefore granted, may levy a street tax on each male within said city and within the aforesaid space of two miles beyond the limits of said city, that is between the ages of eighteen and fifty years; and the said county of Sebastian is hereby exempted from working the roads, or causing the same to be worked within the space aforesaid.

SEC. 45. If any person shall receive any injury, or damage whatsoever, to his or her person, or property, of whatsoever description, by, through, or on account of the failure, refusal, or neglect of said city authorities to keep the streets of said city, and the roads beyond the limits thereof for the distance mentioned in the preceeding section of this act, in good repair, the said city shall be liable to such person so receiving such injury or damage, in treble the amount of damage or injury so sustained, which may be recovered against said city, by action on the case, for such failure, neglect, or refusal, in any court having competent jurisdiction.

SEC. 46. That the inhabitants residing on, and lot-holders in the tract of land south of Garrison Avenue, hereby added to the city of Fort Smith by the first section of this act, before they shall be considered and deemed to be citizens, or inhabitants of Fort Smith, shall hold an election on the fourth Monday of February, 1853, at the residence of J. L. Johnson, situate on said tract of land, and shall then and there vote for or against the addition of said tract of land, south of Garrison Avenue, to said city, and in case a majority of said citizens and lot or property-holders in said tract of land, shall vote for said addition, then and in that case the said

tract of land shall be deemed, considered and held from thenceforward as a part and portion of said city under the provisions of this act; and in case that a majority of the citizens, lot and property-holders shall vote against such addition, then and in that case, it shall be deemed and taken that this act shall have no effect upon the citizens, lot or property-holders in and upon said tract of land south of Garrison Avenue.

SEC. 47. That the citizens, lot and property-holders in and upon said tract of land above proposed to be added to said city of Fort Smith, shall, upon, the day appointed, meet together at the place above designated, and when so assembled shall proceed to select from their number, three persons to act as judges of such election, and when so selected, shall take the same oath as is now prescribed by law to qualify the judges of elections held under the authority of the laws of this state, and when the said judges shall be so selected, sworn and qualified, they shall proceed to appoint two clerks for such election, who shall likewise take the same oath as is now provided, to qualify clerks of elections held under the laws of this state.

SEC. 48. That when the election is so held, the poll books thereof shall be returned in the same manner as the poll books of the general elections are returned to the office of the clerk of the county court of the county of Sebastian, and the said clerk is required, within the time now prescribed by law, to open the same, and when the same shall be so opened, and the poll thereof counted, an abstract of such poll books shall be made out, under his official seal and filed in his said office, which said abstract shall likewise be recorded in the register of said county in which deeds and so forth are recorded.

SEC. 49. That all laws that conflict with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved 11th January, 1853.

PRIVATE ACTS.

An act to change the name of Ellen Kimbro to the name of Ellen Zachary and to constitute her a lawful heir to the estate of Bartlett Zachary.

SECTION

1. Changes name of Ellen Kimbro, of Johnson county to Ellen Zachary.
2. Ellen Zachary constituted a legal heir

SECTION

- to estate of Bartlett Zachary.
3. This act to take effect and be in force from its passage.

SECTION 1. Upon the petition of Bartlett Zachary, of the county of Johnson, and State of Arkansas:

Be it enacted by the General Assembly of the State of Arkansas, That the name of Ellen Kimbro, the adopted daughter of Bartlett Zachary, now living in the county of Johnson, and State of Arkansas, be, and the same is hereby changed to that of Ellen Zachary.

SEC. 2. *Be it further enacted,* That the said Ellen Zachary, be, and she is hereby constituted a legal heir to the estate of the said Bartlett Zachary, to all intents and purposes as she would be if she was his child, born in lawful wedlock.

SEC. 3. *Be it further enacted,* That this act take effect and be in full force from and after its passage.

Approved 17th November, 1852.

An act to authorize Abraham Laster and James H., Administrators of the Estate of Frederick Laster, deceased; Daniel Farmer Administrator of the estate of Jane Brown, deceased, and William R. Davis, Administrator of the estate John H. Davis, deceased, all late of Johnson county, to sell the personal property of said estates.

SECTION

1. The administrators of Frederick Laster, Jane Brown and John H. Davis deceased, of Johnson county, to proceed to advertise and sell personal property of said decedents without order from Probate court.

SECTION

2. Excepting order of said court, administrators to be governed by laws now in force.
3. This act to take effect and be in force from its passage.

WHEREAS, Frederick Laster, Jane Brown, and John H. Davis,

departed this life in the month of September, A. D. 1852; And whereas, Abraham Laster and James H. Laster, Daniel Farmer, and William R. Davis of said county, have taken out letters of administration on the said estates, as aforesaid; And whereas there is a large quantity of personal property subject and likely to waste before an order of the probate court of said county can be obtained to authorize the sale thereof, as the Judge of said court departed this life before holding the October term thereof, and the next term of said court will not be held until the 4th Monday in January, 1853; Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Abraham Laster and James H. Laster, as administrators of the estate of Frederick Laster deceased, Daniel Farmer as administrator of Jane Brown deceased, and William R. Davis as administrator of the estate of John H. Davis deceased, be, and they are here fully authorized to go on and advertise, as is now by law required, and sell the personal property of said estates without an order from the probate court of Johnson county.

SEC. 2. *Be it further enacted*, That except the order of the probate court, the said administrators shall be governed by the administration laws now in force.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in full force from and after its passage.

Approved 22d November, 1852.

An act to authorize Thomas B. Carrington to remove certain Slaves from the State of Arkansas.

SECTION

1. Authorizes Thos. B. Carrington, of Hempstead county, to remove two slaves, Peter and Iverson, upon whom Ed. B. Fowlkes claims a deed of trust, beyond the limits of the state.

2. Before such removal, said Carrington

SECTION.

to give said Fowlkes a bond in \$3,000, with security, to be approved by the judge of the circuit court, for the safe delivery of said slaves in obedience to any judgment or decree of said court.

3. Act in force from and after passage.

SECTION 1. *Be it further enacted by the General Assembly of the State of Arkansas*, That Thomas B. Carrington of Hempstead county, be, and he is hereby authorized to remove two certain negro slaves, now in his possession, and upon which Edward B. Fowlkes claims a lien by virtue of a mortgage or deed of trust, and has a suit pending in the circuit court of said county, in chancery, to-wit: Peter and Iverson, beyond the limits of the State of Arkansas, any law now in force to the contrary, notwithstanding.

SEC. 2. *Be it further enacted*, That before such removal of said slaves beyond the limits of this state, said Carrington shall execute

a bond to said Fowlkes, in the penal sum of three thousand dollars, with good and sufficient security, conditioned that said slaves, and each of them, shall be forthcoming in obedience to any judgment or decree, that said Fowlkes, or his representatives, may obtain in the suit aforesaid, or in any other suit that may be instituted by him or them in respect of said slaves; which said bond shall be approved by the judge and deposited with the clerk of said court, subject to the order of said Fowlkes.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved 24th November, 1852.

An act for the relief of Benjamin F. Danley, late Sheriff of Pulaski County.

SECTION

1. \$119 appropriated to pay expenses incurred by late sheriff of Pulaski county, in addition to his per diem allowance.

SECTION

2. Auditor to draw warrant on treasury for said \$119; this act to take effect from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of one hundred and nineteen dollars be, and the same is hereby appropriated to the per diem and expenses incurred by Benjamin F. Danley, late sheriff of Pulaski county in taking the body of "Findle Burrow," from the jail and penitentiary house of this state, and delivering him to the sheriff of Poinsett county, pursuant to an order of the supreme court of the State of Arkansas, to him directed.

SEC. 2. *Be it further enacted,* That the auditor of public accounts be, and he is hereby authorized and directed to issue a warrant on the treasury for the sum of one hundred and nineteen dollars, specified in the preceding section; and that this act take effect from and after its passage.

Approved 24th November, 1852.

An act for the relief of Urban E. Fort, Sheriff and Collector of Independence County.

SECTION

1. Sheriff of Independence county allowed until 1st Monday in May 1853, to collect and pay over state and county revenue of 1852, and shall give new bond approved by

SECTION

county court.
2. Said sheriff failing to so pay over revenue, subject to penalties of existing laws.
3. Taxes not paid by 1st Monday in

SECTION

september, 1852; sheriff to sell the property on 1st Monday in April, 1853.

SECTION

4. This act take effect and be in force from its passage.

WHEREAS, The late sheriff and collector of Independence county did fail to receive the tax book of said county for the year 1852, and proceed to collect the state and county revenue of said county for said year, and the same remains yet uncollected; and whereas, Urban E. Fort, his successor elect, has but recently been qualified into office and received the tax book, and it is now too late a period for him to collect and pay into the state and county treasuries the taxes charged on said tax book, at the time prescribed by law: Therefore,

SECTION 1. *Be it enacted by the General Assembly of this State,* That Urban E. Fort now sheriff and collector of Independence county, be, and is hereby allowed until the first Monday in May 1853, to collect and pay over into the state treasury, the state revenue of Independence county for the year 1852; and that he be allowed the same time to collect and pay over into the county treasury the county revenue of said county for the year 1852, *Provided*, That he, the said Urban E. Fort, shall enter into a new bond to be approved of by county court of Independence county.

SEC. 2. *Be it further enacted*, That if the said Urban E. Fort should fail to account for and pay over said revenue, by the first Monday in May, 1853; he shall be subject to all the penalties imposed by existing laws on defaulting sheriffs.

SEC. 3. *Be it further enacted*, That whenever taxes are levied on lands or other property, and not paid for by the first Monday in September, 1852, either for state or county purposes, the said sheriff is authorized to sell such lands, or other property, according to existing laws, on the first Monday in April, 1853, for the non-payment of taxes due thereon.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 24th November, 1852.

An act for the relief of John W. Williams of Mississippi County.

SECTION

1. Refunds to John W. Williams \$250, paid by said Williams to land agent for lands not confirmed to the state

SECTION

by the U. States.

2. Auditor to draw warrant on treasurer for above amount.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of two hundred and fifty-four dollars, be, and the same is hereby appropriated out of the internal improve-

ment fund for the purpose of refunding to John W. Williams the amount paid by him into the state treasury, for the purchase of the N. E. of 1-4 of sec. 9 in T. 13, N. R. 11 E., which was sold by the land agent and not confirmed to the state by the United States.

SEC. 2. *Be it further enacted*, That the auditor of public accounts be, and he is hereby authorized and directed to issue a warrant on the treasurer of this state for the sum of two hundred and fifty-four dollars, as specified in the preceeding section; and this act be in force from its passage.

Approved 24th November, 1852.

An act to Incorporate the Town of Huntsville.

SECTION.

1. Incorporates the town of Huntsville, in Madison county.
2. Qualified voters for members of General Assembly, eligible to vote in all elections, authorized by this act.
3. Officers of said town, one alderman and four councilmen.
4. Said town a body politic and corporate; and the alderman and council to pass by-laws, rules &c., for its regulation, not inconsistent with the laws and constitution of this state.
5. Alderman and council to fix boundaries of corporation, and cause a plat thereof to be recorded in county court clerk's office.
6. First election 1st Monday in Feb. 1853, and 1st Monday of January, annually thereafter, for one alderman and four members of council.
7. Alderman and council in ten days after election, to take oath before a justice of the peace, faithfully to discharge the duties of their offices.
8. Alderman and council to be denominated "the Town Council;" sittings public, alderman presiding.
9. A majority of council to decide all questions, the alderman giving casting vote when a tie.
10. Alderman the executive of said town, with power of a justice of the peace.
11. Council to make and enforce rules to preserve the health of the town, regulate markets, pass by-laws to suppress vice by fine, not over \$50, and imprisonment not more than

SECTION.

- three months.
12. Council to levy tax on all property within said town; on neglect or refusal to pay tax, council to give judgment and issue execution for the amount and costs, and levy same on personal property; advertise same 10 days before sale, and sell to highest bidder; and give bill of sale, but no tax shall be levied higher than the rate per cent. for county purposes.
13. Alderman and council to appoint corporation officers.
14. Vacancy in office of Alderman, an election to be held to fill said vacancy. Vacancy in council merely filled by appointment of remaining council.
15. Council issuing any bills notes or tickets to circulate as currency, such act a forfeiture of this charter, and the fact may be given in evidence on trial of said corporation, and be a bar to such action.
16. Failing to hold election on the day designated, clerk of county court or any member of the council, by giving ten days' notice may have such election held.
17. Alderman to keep docket and make entries of his official acts; and appeals to circuit court had as appeals from a justice's court.
18. Council to determine alderman's fees.
19. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the town of Huntsville, in the county of Madison, in the State of Arkansas, extending one-half mile north, one-half mile south, one-half mile east, and one-half mile west; making the court house in said town, the centre, shall be, and the same is hereby incorporated.

SEC. 2. That all the free white male inhabitants of said town qualified to vote for members of the General Assembly, shall be eligible to a vote in all elections authorized by this act.

SEC. 3. That the officers of the town of Huntsville shall consist of one alderman and a council composed of four members and such other officers as may be deemed necessary by the alderman and council to carry into effect the provisions of this act.

SEC. 4. That the said town shall be a body politic and corporate by the name and style of "the Corporation of Huntsville," and by that name the alderman and council are hereby made capable and able to pass all rules, ordinances and by-laws as may be necessary for the internal regulation of said town; *Provided*, That no ordinance, or by-law shall be passed that is incompatible with the constitution and laws of this state.

SEC. 5. That the alderman and council shall have power to fix the metes and bounds of said corporation, and shall cause a plat thereof to be recorded in the office of the clerk of the county court.

SEC. 6. That there shall be an election held on the first Monday of February, 1853, and on the first Monday of January annually thereafter, for the election of alderman and four members of council who shall hold their office for the term of one year, and until their successors are elected and qualified, and such election shall be held in the manner prescribed by law for holding all general elections.

SEC. 7. That it shall be the duty of the alderman and council, elected under the provisions of this act, within ten days after they shall have been elected, to take an oath before some justice of the peace, faithfully to discharge the duties of the office to which they were elected, and to support the constitution of this state and of the United States.

SEC. 8. That the alderman and council provided for under the provisions of this act, shall be denominated "The Town Council," the sittings of which shall be public, the alderman presiding, and shall be governed by such rules as may be prescribed by said council.

SEC. 9. That a majority of said town council shall decide all questions before them, and in case of a tie, the alderman shall give the casting vote.

SEC. 10. That the alderman of said town shall constitute the executive thereof, he shall be a conservative of the peace, within the limits of said town, and he is hereby authorized and empowered and required to do and execute all those matters and things which a justice of the peace may lawfully do in the limits of said town,

and he shall be further authorized to commit persons guilty of a breach of the peace to the common jail of the county, and shall have power to suppress all riots and unlawful assemblies, and execute the laws of said corporation.

SEC. 11. That said town council shall have power to make and enforce such rules as may be deemed necessary to preserve the health of said town, and for that purpose may create a board of health, with such powers as may be conferred for that purpose, and the said town council may erect a market house, and regulate the markets, and make such by-laws as they may deem necessary for the suppression of vice and immorality, within the limits of said corporation, and enforce the same by fine and imprisonment in any sum not exceeding fifty dollars, nor imprisonment more than three months, according to the nature of the offence or violation of said by-law, and when collected shall be appropriated to the benefit of said town in such manner as shall be prescribed thereby.

SEC. 12. That it may be lawful for said town council to levy and collect a tax on all property both real and personal within said town, and if any person or persons neglect or refuse to pay any such tax or fine that may be levied or imposed by said town council, it shall be the duty of said town council to give judgment against such person, or persons, so neglecting or refusing to pay such tax or fine as aforesaid, and shall thereon issue execution for the amount of such judgment and costs which shall be levied on the personal property of said defendant within the limits of said corporation, and advertise the same at least ten days before the day of sale, by three advertisements, put up in said town, and proceed to sell the same to the highest bidder, unless the said judgment and costs be paid before the day of sale thereof; and the town council shall give a bill of sale for such property as may be sold as aforesaid; *Provided, however,* That no tax shall be levied which shall exceed the rate per cent. levied and assessed by the county court for county purposes.

SEC. 13. That the alderman and council shall have power to appoint a clerk, assessor, town constable, overseer of streets, and patrols, with power to carry into effect and execute the ordinances of said town council.

SEC. 14. That in case of death, resignation, or removal of the alderman, the council shall have power to cause an election to be held, to elect an alderman to fill such vacancy, who shall hold his office until the next annual election; *Provided,* That ten days notice shall be given of the time and place of holding such election, and in case of death, resignation, or removal of any of the council the remaining council shall have power to fill such vacancy by appointment, who shall hold their office until the next annual election.

SEC. 15. That it shall not be lawful for said corporation to issue

change-tickets of any description whatever, and that if said corporation shall, under any pretence whatever, issue any bills, notes, or tickets, or any promise, or obligation whatever, designed or intended to circulate and pass as currency, such act shall be taken and held as a forfeiture of this charter; and every person, or persons, whomsoever, may in any trial or action by said corporation, give the fact in evidence on such trial or action, and when proven shall be a good bar to any such action.

SEC. 16. That if the citizens of said town shall, at any time hereafter, fail to have an election on the day specified by this act, that then, and in that case the clerk of the county court, or any member of the council may, by giving ten days' previous notice, have an election held for town council, which shall be as legal as though it had taken place on the day herein appointed.

SEC. 17. That the alderman shall keep a docket, and make entries of his official acts, when in the discharge of his official duties imposed on him by this act, and when an appeal is prayed for a transcript from such docket, shall be sent up to the circuit court of Madison county as in other cases of an appeal from a justice's court now defined by law.

SEC. 18. That the town council shall have power to determine the amount to be given to the alderman of said town, as fees for the discharge of his duties; *Provided however*, That such fees shall not exceed fees given to justices of the peace for similar services.

SEC. 19. That this act take effect and be in force from and after the first day of February, A.D. 1853.

Approved 24th November, 1852.

An act to call in the Scrip of Hot Spring and Van Buren Counties.

SECTION

1. Scrip issued prior to passage of this act in Hot Spring and Van Buren counties, to be presented to the clerks of said counties by 1st July next, who shall issue new scrip to same amount with interest fund.
2. Scrip holders not complying with the above provisions, forever barred from their claims, and the county

SECTION

- from payment of same.
3. Clerks to number all scrip presented, and by them hereafter issued, and keep separate books for this purpose.
4. Sheriff to give 30 days previous notice before 1st July, of the provisions of this act, by posting advertisements in each township.

SECTION 1. *Be it enacted by the General Assmebly of the State of Arkansas*, That all the county scrip issued by the clerks of the counties of Hot Spring and Van Buren, prior to the taking effect of this act, shall be presented to the clerks of said counties, on or before the first day of July next, whose duty it shall be to issue to the holder thereof the same amount of scrip, with all the interest

fund thereon, at the time of presenting the same, or certificate of the same.

SEC. 2. *Be it further enacted*, That all persons who shall hold any county scrip, who do not present the same to the clerks of said counties, on or before the first day of July next, shall be forever barred from the benefit of their claims, and the said counties shall be forever barred from the payment of the same.

SEC. 3. *Be it further enacted*, That it shall be the duty of said clerks to number and date all scrip presented, and also number and date all scrip by them issued, on allowances made by the courts of said counties hereafter, and also keep separate books, in which said clerk shall number and date all scrip by them issued, from and after the passage of this act.

SEC. 4. *Be it further enacted*, That notice shall be given of the provisions of this act at least thirty days previous to the first day of July next, by the sheriff putting up one advertisement in each township in said counties.

Approved 27th November, 1852.

An act for the relief of John H. Hammack, late Contractor of the State Penitentiary.

SECTION

1. \$142 appropriated to John H. Hammack for services and claims as contractor of Penitentiary.
2. Auditor to draw warrant on treasury

SECTION

for the above sum; and this act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of one hundred and forty-two dollars be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the full payment of John H. Hammack, for all services and claims rendered by him as contractor of the state penitentiary.

SEC. 2. *Be it further enacted*, That the auditor of public accounts be, and he is hereby authorized and directed to issue his warrant on the treasury for the sum of one hundred and forty-two dollars, as above specified; and that this act take effect and be in force from and after its passage.

Approved 27th November, 1852.

An act to constitute John Rockwell Barnum a legal heir of Richard Barnum, of Dallas County.

SECTION

1. John Rockwell Barnum constituted a legal heir of Richard Barnum.
2. Repeals all laws in conflict with this

SECTION

- act.
3. This act in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That John Rockwell Barnum be, and is hereby constituted a legal heir of Richard Barnum.

SEC. 2. *Be it further enacted*, That all laws or parts of laws inconsistent with this act be, and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this act be in force from and after its passage.

Approved 27th November, 1853.

An act to constitute Elizabeth Ann Duncan a legal heir of William Duncan, deceased.

SECTION.

1. Elizabeth Ann Duncan constituted a legal heir of Wm. Duncan, dec'd.
2. Repeals all laws in conflict with first

SECTION.

- section.
3. This act to take effect and be in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Elizabeth Ann Duncan is hereby constituted a legal heir of William Duncan, deceased.

SEC. 2. *Be it further enacted*, That all laws or parts of laws which may come in conflict with the foregoing section, be, and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 29th November, 1852.

An act to call in the Scrip of Marion County.

SECTION

1. All scrip issued prior to 13th Dec. 1850, to be presented to county clerk by 1st January, 1854; who shall issue to holder same amount of scrip with interest.

SECTION

2. Scrip holders not complying, shall be forever barred the benefit of their claims.
3. Repeals so much of act of Dec. 13, 1850, as is inconsistent with this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all the county scrip issued by the clerk of the county of Marion, prior to the 13th day of Dec. 1850, shall be presented to the clerk of said county, on or before the first day of

January, 1854, whose duty it shall be to issue to the holder thereof, the same amount of scrip with all the interest due thereon, at the time of presenting the same.

SEC. 2. *Be it further enacted*, That all persons who shall hold any county scrip, who do not present the same to the clerk of said county, by the said 1st day of January, 1854, shall be forever debarred from the benefits of their claims.

SEC. 3. *Be it further enacted*, That so much of an act of the General Assembly, approved Dec. 13, 1850, as is inconsistent with this act, be, and the same is hereby repealed.

Approved 29th November, 1852.

An act to change the names of Elzada J., Elizabeth C. and John H. H. Sexton, to those of Elzada J., Elizabeth C. and John H. H. Flowers, and to constitute them the legal heirs of Harrison D. Flowers.

SECTION

1. Changes names of Elzada J., Elizabeth C. and John H. H. Sexton to Elzada J., Elizabeth C., and John H. H. Flowers.

SECTION.

2. Constitutes said persons legal heirs of Harrison D. Flowers.
3. This act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the names of Elzada J., Elizabeth C. and John H. H. Sexton, be, and the same are hereby changed to those of Elzada J., Elizabeth C. and John H. H. Flowers.

SEC. 2. *Be it further enacted*, That the said Elzada J., Elizabeth C. and John H. H. Sexton, hereby made Elzada J., Elizabeth C. and John H. H. Flowers, be, and they are hereby constituted legal heirs of Harrison D. Flowers, to all intents and purposes, as they would be if they were his own legitimate offspring.

SEC. 3. *Be it further enacted*, That this act shall take effect, and be in full force from and after its passage.

Approved 30th November, 1852.

An act for the benefit of R. H. Butrom of the County of Pope.

SECTION.

1. Auditor to draw warrant on treasury for \$50, in favor of R. H. Butrom for returning to penitentiary an es-

SECTION

caped convict; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the auditor of state, be, and he is hereby directed to draw a warrant on the treasury, for any money not otherwise

appropriated, for the sum of fifty dollars, to be paid R. H. Butrom, for captivating and returning to the penitentiary, an escaped convict; and that this act be in force from and after its passage.

Approved 3d December, 1852.

An act for the relief of Luther R. Venable, Sheriff of Van Buren County.

SECTION

1. Releases sheriff of Van Buren county from Penalty of \$74 81 on account of state revenue for 1851, which he has paid; and said sum to

SECTION

be placed to his credit for state revenue for 1852.

2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Luther R. Venable, Sheriff of Van Buren county, be, and he is hereby released from the sum of seventy dollars and eighty-four cents, the amount of Penalties and forfeitures incurred by him on his account for revenue of the State for the year, 1851, which revenue and penalties he has fully settled and paid, and the said sum of seventy dollars and eighty-four cents for penalties and forfeitures over and above the revenue which was due from him on the 10th day of December, 1851, shall be placed to his credit, on his account for State revenue for the year 1852.

SEC. 2. *Be it further enacted*, That this act take effect and be in full force from and after its passage.

Approved 6th December, 1852.

An act for the relief of Samuel J. Mason, Sheriff of Izard county.

SECTION.

1. Auditor to credit sheriff of Izard county with \$26 88.

SECTION.

2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the auditor of public accounts, be, and he is hereby directed, to credit Samuel J. Mason, sheriff of Izard county, with the sum of twenty-six dollars and eighty-eight cents, the amount of state tax due on the southeast quarter of section thirty-six, in township seventeen north, of range seven west.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 8th December, 1852.

An act for the relief of Reuben C. Reed, Sheriff of Scott County.

SECTION

1. Sheriff of Scott county allowed till 1st Monday of April, 1853, to pay state tax, and same time to pay county tax; said sheriff to give new

SECTION

- bond for the performance of the duties of his office according to law.
2. Act to take effect and be in force from passage.

WHEREAS, Redmond G. Gaines, late sheriff of Scott county resigned his office as sheriff of the aforesaid county of Scott, on or about the fifteenth day of August last, having collected but very little of either State or county taxes for the year A. D. 1852; And whereas, it appears the said Reuben C. Reed, the present sheriff of the aforesaid county of Scott, did not receive his commission and was not qualified to enter upon the duties of said office until the first of November, A. D. 1852; therefore placing it out of the power of the aforesaid Reuben C. Reed to collect and pay over the State and county taxes, in the time now allowed by law; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the aforesaid Reuben C. Reed, sheriff of the aforesaid county of Scott, be, and he is hereby allowed until the first Monday in April, A. D. 1853, to collect and pay into the state treasury the amount of state tax due from said county and that he be allowed until the first Monday in April, A. D. 1853, to collect and pay into the county treasury the amount of county tax due said county of Scott; *Provided*, That he give a new bond, to be approved by the county court of said county of Scott, that he will, in accordance to law and this act, perform all the duties of sheriff of Scott county.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 8th December, 1852.

An act for the relief of Samuel J. Mason, Sheriff of Izard County.

SECTION

1. Auditor to issue warrant to Samuel J. Mason, sheriff of Izard county, for \$67,34.

SECTION

2. The above \$67,34 appropriated out of any moneys in treasury not otherwise appropriated.

WHEREAS, Samuel J. Mason, sheriff of Izard county, being mistaken as to the time the law required him to make settlement with the Auditor, therefore he failed by eight days, of complying with the law, hence he paid sixty-seven dollars and thirty-four cents, as damages for such failure; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the auditor is hereby directed to audit the account of Samuel J. Mason, sheriff of Izard county, for sixty-seven dollars

and thirty-four cents, and to issue his warrant for the same, and direct the treasurer to pay the same.

SEC. 2. That the above amount of sixty-seven dollars be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated to carry into effect the provisions of this act.

Approved 8th December, 1852.

An act for the relief of Braxton C. Crump, Sheriff and Collector of Crittenden County.

SECTION

1. Treasurer to credit B. C. Crump of Crittenden county, on settlement of revenue, with \$234 for the year

SECTION

1852; and this act in force from its passage.

WHEREAS, Braxton C. Crump has lost, or mislaid two pieces of scrip which he had purchased from the Hon. D. J. Chapman, and James F. Saffold, each for the sum of one hundred and seventeen dollars, and numbered the first 404, the second 476, with the view of paying the same in liquidation of the revenue collected for the county of Crittenden, for this year, 1852; And whereas, There is no law or statute authorizing the Auditor to issue other warrants in such cases, on the Treasurer, to allow him said amounts in his settlement; Therefore,

Be it enacted by the General Assembly of the State of Arkansas, That the treasurer be, and he is hereby authorized to allow the said Braxton C. Crump the sum of two hundred and thirty-four dollars as a credit in his settlement of the revenue collected in the county of Crittenden for the year 1852; and that this act take effect from and after its passage.

Approved 8th December, 1852.

An act for the relief of William J. Murphy, Sheriff and Collector of Randolph County.

SECTION

1. William J. Murphy, sheriff of Randolph county, allowed till first Monday in May, 1853; to account for state taxes for 1852, and until first day of April term of county court, to settle county revenue, provided he gives new bond, to be approved by county court, or the judge in

SECTION

vacation.
2. Taxes levied on property and not paid by 1st Monday of Nov. 1852, sheriff to sell such property on first Monday in April, 1853.
3. Sheriff failing to pay over state or county tax by time specified, subject to penalties of defaulting sher-

SECTION
iffs.

4. This act to take effect and be in force

SECTION

from its passage.

WHEREAS, John Chandler late Sheriff of Randolph county, died about the latter part of June last, and before he had collected any of the State or County revenue of said county; And whereas, William J. Murphy, his successor elect, has but recently been qualified into office and entered upon the duties thereof, and it is now too late for him to collect and pay over into the State and County treasuries, the State and County revenue for the year 1852, within the time prescribed by law; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the said William J. Murphy, sheriff and collector of Randolph county, be, and he is hereby allowed until the first Monday in May, 1853, to pay over and account the state taxes for the year 1852, for said county of Randolph, and until the first day of the next April term of the county court of said county, to settle with said county court for the revenue of said county, for the year 1852; *Provided*, That the said William J. Murhhy shall enter into a new bond, to be approved of by the county court of said county, or by the judge thereof in vacation.

SEC. 2. *Be it further enacted*, That whenever taxes are levied on lands or other property, and not paid for by the first Monday of November, 1852, either for state or county purposes, the said sheriff is authorized to sell any such lands or other property, according to existing laws, on the first Monday in April 1853, for the non-payment of taxes due thereon for the year 1852.

SEC. 3. *Be it further enacted*, That if the said William J. Murphy should fail to account for and pay over the state and county revenue by the time prescribed by the preceding sections, he shall be subject to all the penalties imposed by existing laws on defaulting sheriffs.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 9th December, 1852.

An act for the relief of Benjamin F. Danley, late Sheriff of Pulaski County.

SECTION.

1. Auditor to credit B. F. Danley, late sheriff of Pulaski county, on account of revenue for 1852, with \$85 till suit in supreme court be decided.
2. Attorney general to notify auditor of result of said suit, who shall charge

SECTION

- said Danley with money in kind, as the court shall decide, and said Danley shall pay same into treasury.
3. Suit determined, auditor to issue warrant upon treasurer for costs, upon certificate of judge of circuit.

SECTION

court.

4. This act to take effect and be in force

SECTION

from its passage.

WHEREAS, Upon the application of Albert Pike, esq., to the Pulaski Circuit Court, at the June term thereof, A. D. 1851, for a writ of peremptory mandamus, to compel said Danley, as said sheriff, to take the paper of the Bank of the State of Arkansas, in payment of certain State taxes, said court granted an prayer and request in said application made, and issued said writ of peremptory mandamus, compelling said Danley, as such sheriff, to take and receive forty-five dollars in the Bank notes of the Bank of the State of Arkansas, in payment of said taxes; whereupon, said Danley tendered said Bank notes to the Treasurer of the State of Arkansas, in payment of the revenue charged against him as such sheriff, for the year 1851, who refused to receive the same in payment thereof, and thereupon said Danley appealed from the decision of said Circuit Court, to the Supreme Court of this State, where said suit is still pending; And whereas, said Danley having paid into the State Treasury the amount above specified, and the said Pike having tendered said Danley the additional amount of forty dollars in said Bank notes for, and in payment of the State taxes, as aforesaid for the year 1852, making in all the sum of eighty five dollars; Therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the auditor of public accounts of this state, be, and he is hereby required to credit said Danley as such sheriff, on his account for revenue, for the year 1852, with the sum of eighty-five dollars, above specified, until said suit in said supreme court shall have been determined.

SEC. 2. *Be it further enacted*, That it shall be the duty of the attorney general of this state, so soon as said suit shall have been determined by said court to notify said auditor, in writing of the result thereof, whose duty it shall be to charge said Danly with the amount of money in kind, that the said court may determine he is chargeable with as such sheriff, whose duty it shall be forthwith to pay over the same into the state treasury.

SEC. 3. *Be it further enacted*, That when said suit shall have been determined, it shall be the duty of the auditor of public accounts to issue his warrant upon the treasurer of this state for the amount of all costs in and about said suit expended upon the certificate of the judge of the Pulaski circuit court, whose duty it shall be to certify to the correctness of the same.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 9th December, 1852.

An act for the relief of James J. Baker, Sheriff of Sebastian County.

SECTION

1. Sheriff and collector of Sebastian county allowed until 1st April, 1853, to pay residue of revenue for 1851, & 1852, into state treasury.
2. Failing to pay said residue of revenue by 1st April, 1853, to be subject to penalties imposed on defaulting sheriffs.

SECTION.

3. To enter into new bond, to be approved by county court, conditioned to pay said residue by 1st April, 1853.
4. Said sheriff to pay into state treasury money in kind collected by him.
5. This act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That James J. Baker, sheriff and collector of Sebastian county, be, and he is hereby allowed until the first day of April, A. D. 1853, to pay over to the state treasurer the residue of the state revenue, with which he now stands charged, for the years 1851 and 1852.

SEC. 2. *Be it further enacted,* That if the said James J. Baker shall fail to account for and pay over to the state treasurer the residue of the revenue aforesaid, by the first day of April, A.D. 1853, he shall be subject to all the penalties imposed by existing laws on defaulting sheriffs.

SEC. 3. *Be it further enacted,* That the said James J. Baker be, and he is hereby required to enter into a new bond in the manner as is now required by law, to be approved by the county court of his county, conditioned, that he will well and truly pay into the state treasury the balance of uncollected revenue, on, or by the said first day of April, A. D. 1853.

SEC. 4. *Be it further enacted,* That if said sheriff avails himself of the provisions of this act, he shall pay in kind into the state treasury, the same money collected by him, whether specie or treasury warrants.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Approved 10th December, 1852.

An act to exempt the citizens of Old River Township, in the County of Arkansas, from serving on the Grand or Petit Juries, during the Spring terms of the Circuit Courts.

SECTION

- 1 Citizens of Old River township, Arkansas county exempted from serving on juries at spring term of circuit court.
2. Citizens of Ouachita county east of Ouachita river, exempt from serv-

SECTION

- ing on juries at spring terms of said courts, except in criminal cases; the above provisions to embrace Marcy and Searcy townships, in Phillips.
3. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the citizens of Old River township, in the county of Arkansas, be, and they hereby exempt from serving on the grand or petit juries, during the spring terms of the circuit courts.

SEC. 2. *Be it further enacted*, That the citizens of Ouachita county, who does now, or may hereafter reside east of Ouachita river, in said county, be, and they are hereby exempt from serving on grand or petit juries, at the spring terms of said courts, except in criminal cases; and that the above provisions shall include and embrace the citizens or inhabitants of Marcy and Searcy townships, in Phillips county, lying below, and south of Old Town point, in said county of Phillips.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from its passage.

Approved 11th December, 1852.

An act for the relief of Lawrence County, and for other purposes

SECTION

1. Certain fines to be paid into county treasury, of the counties named.
2. All laws in conflict with this act re-

SECTION

pealed; and this act be in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all funds arising from fines, forfeitures, estrays, and stray bonds, in the counties of Lawrence, Izard, Marion, Carroll, Newton, Searcy, Fulton, Green, Montgomery, Scott, Van Buren, and Madison shall be paid into the county treasury for county purposes.

SEC. 2. *Be it further enacted*, That all laws in conflict with this act, be, and the same is hereby repealed; and this act to take effect and be in force from and after its passage.

Approved 11th December, 1852.

An act to constitute William T. Hardy, the lawful heir of Floanes S. White.

SECTION

1. Constitutes Wm. T. Hardy legal heir

SECTION

of F. S. White.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That William T. Hardy be, and he is hereby made and constituted the legal heir of the said Floanes S. White, to all intents and purposes as though the said William T. Hardy were the lawful heir begotten of the said Floanes S. White.

Approved 11th December, 1852.

An act for the relief of the heirs at law of the late James Evans, deceased, of Washington County.

SECTION

1. Authorizes guardian of the heirs of James Evans, dec'd, of Washington co., to sell a certain slave, and loan out the money at 10 per cent. on bond to be approved by probate

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- court of said county.
2. Interest to be applied to the education of said children.
3. This act in force from its passage.

WHEREAS, The late James Evans, of the county of Washington, in this State, by his last will bequeathed to his three children, among other things, a certain negro man slave, Sam; said will directing that said negro man should be hired out, and the proceeds of his hire to be appropriated to the education of his said children, until they shall receive such education as is prescribed in said will, or until they shall marry, or arrive at the age of twenty-one years, then to be sold, and the proceeds equally divided among said children; And whereas, the guardian of said heirs, and the heirs themselves, believing that the object of said bequest can better be subserved by the immediate sale of said slave, than by hiring him out as provided in said will, desire that said guardian be empowered to sell said slave; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Sarah Hannah, guardian of the minor heirs of James Evans, deceased, be, and she is hereby authorized and empowered to sell negro slave Sam, which said slave [sale] shall be made up on terms to be prescribed by the probate court of said Washington county, and the proceeds of said sale shall be loaned out by said guardian of said children, at the rate of 10 per cent. per annum, upon bond with security, to be approved by said probate court, being given for the payment of the same.

SEC. 2. *Be it further enacted*, That the interest arising upon the proceeds of said sale, be applied to the education of said children, in the manner prescribed in said will.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 11th December, 1852.

An act to call in the Scrip of Yell County.

SECTION

1. All scrip of Yell county issued prior to 1st Dec. 1852, to be presented to clerk of said county by 1st August, 1853, who shall issue to holder thereof same amount of scrip with interest due.
2. Clerk to register all scrip issued un-

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- der provisions of this act, and all issued by order of county court after 1st of Dec. 1852.
3. Clerk to file scrip issued under provisions of this act, and lay same before said court at August term, 1853, who shall burn them and see

SECTION

that no outstanding scrip is improperly issued.

4. Persons holding scrip issued prior to 1st Dec. 1852, and do not present the same to clerk for canceling and registering by 1st August, 1853, shall forever be barred from the benefit of their claim, and the coun-

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ty from payment of same.

5. Sheriff to give notice of this act by posting advertisements in each township, 3 months before 1st August, 1853.
6. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all the outstanding scrip issued by the clerk of the county of Yell, up to the first day of December, 1852, shall be presented to said clerk, on or before the first day of August 1853, who shall issue to the holder thereof, the same amount of scrip or warrants, or a certificate of the same, including all interest due thereon up to the time of such presentation.

SEC. 2. That it shall be the duty of the clerk of the county court to procure a well bound book, in which he shall register all warrants, or scrip issued under the provisions of this act, together with all issued by order of the county court of his county, after the first day of December, 1852.

SEC. 3. That all the warrants, or scrip issued under the provisions of this act, in cancellation of those outstanding, or that may be outstanding on the first of December, 1852, shall be filed by the clerk of said county of Yell, and laid before the county court of said county, at the August term of said court, A. D. 1853, who, if they find it to be genuine, shall burn, or destroy it, and examine the register of the scrip outstanding, to see if none is improperly issued.

SEC. 4. That all persons holding any scrip or warrants issued by the clerk of the county court of Yell county, prior to the first day of December, 1852, who do not present the same to such clerk by the first day of August, 1853, for cancellation and reissue, so that the same may be registered, shall be forever barred from the benefit of their claims as holders of such scrip or warrants, and the county of Yell shall be forever barred from the payment of the same.

SEC. 5. That the sheriff shall give due notice of the provisions of this act by putting up three advertisements in each township in such county, at least three months before the first day of August, A. D. 1853.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Approved 14th December, 1852.

An act to call in the Scrip of Madison County.

SECTION.

1. Scrip and treasury warrants issued previous to 4th Monday in October, 1852, by clerk of county court, shall be presented to said clerk by July term, 1853, who shall issue to holder same amount of scrip or warrants, with interest, and file in his office the scrip and warrants thus called in, and lay the same before court, at July term, 1853.
2. Persons holding scrip or warrants, refusing to comply with above provisions forever barred from benefit of their claims, and the county from

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- payment of same.
3. Clerk to open new account in his registry of scrip and warrants issued on 4th Monday October, 1852, and number each warrant or scrip.
4. Clerk allowed same compensation for re-issuing warrants as in similar cases.
5. Sheriff to give notice of provisions of this act, by putting up advertisement in each township, by 1st of July, 1853; and this act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the county scrip and treasury warrants, that may have been issued previous to the fourth Monday in October, 1852, by the clerk of the county court of Madison county, shall be presented to the clerk of said court, on or before the July term thereof, in 1853, whose duty it shall be, to issue to the holder thereof, the same amount of county scrip or warrants together with interest, on the treasury of his county, and to file in his office the scrip and treasury warrants thus called in, and to lay the same before the county court of his county, at the July term, 1853, for inspection.

SEC. 2. *Be it further enacted,* That all persons who shall hold scrip or treasury warrants, of said county, and shall neglect or refuse to present the same to the clerk thereof, as required by the preceeding section of this act, shall be forever barred from the benefit of their claims, and the said county shall forever be released from the payment of the same.

SEC. 3. *Be it further enacted,* That it shall be the duty of the clerk of said county to open a new account in his registry of scrip and warrants, issued on the fourth Monday in October, 1852, in which he shall state the date, number, and amount of each warrant or piece of scrip drawn, and on what account issued, so as to enable the county court at the July term, 1853, to ascertain the precise amount of scrip and warrants then outstanding.

SEC. 4. *Be it further enacted,* That the clerk of said county, shall be allowed as a compensation for receiving and re-issuing new warrants, the same fees as are allowed him for similar services.

SEC. 5. *Be it further enacted,* That it shall be the duty of the sheriff of Madison county, to give due notice of the provisions of this act, by putting up at least one advertisement in the most public place in each township in said county, on or before the first day of July, 1853, and that this act take effect and be in force from and after its passage.

Approved 14th December, 1852.

An act for the benefit of Alfred Cabler.

SECTION.

1. Appropriates \$50 to Alfred Cabler, for delivery of convict at the penitentiary.

SECTION.

2. Auditor to draw warrant on treasurer for above sum; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of fifty dollars is hereby appropriated to Alfred Cabler, for the delivery of James Lagrow, a convict from the Penitentiary.

SEC. 2. *Be it further enacted,* That the auditor be required to draw his warrant on the treasurer for the sum of fifty dollars, as above set forth, and this act be in force from and after its passage.

Approved 15th December, 1852.

An act to incorporate the Town of Jacksonport, in the State of Arkansas.

SECTION

1. Incorporates the town of Jacksonport in Jackson county, by name and style of 'Town of Jacksonport; council to fix metes and bounds, not to extend more than 3-4 of a mile back; and said corporation to possess such powers as are usually granted to like corporations.
2. Corporate powers vested in mayor, town council &c.
3. Council to consist of six members elected by citizens, and to hold office one year.
4. Councilmen, and all other officers, to possess qualification of votes, and a residence for six months in limits of said town; a majority of councilmen a quorum; council to prescribe rules for its proceedings.
5. Council to appoint officers named in act, whose appointment is not otherwise provided for; and by ordinance provide for appointment of officers and agents not provided for, and prescribe their duties.
6. Vacancy in council filled by council.
7. Council to levy and collect taxes within limits of said town; general duties of council defined.
8. Council by ordinance to regulate police for slaves and free negroes and mulattos.
9. Council to provide for fine and imprisonment of persons committing breach of the peace, and disturbing the quiet of said town; for intoxication &c.

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10. Mayor to be elected by the voters of said town, and commissioned by the Governor, and hold office for one year.
11. Mayor constituted corporation court of said town, and shall be chief judicial officer and have such jurisdiction in civil and criminal matters in said town as this act confers or council may confer, not incompatible with the laws of this state.
12. Mayor shall have original jurisdiction in matters where the amount does not exceed \$100; may sit as examining court in criminal cases he has not power to try; shall have exclusive original jurisdiction in all offences against ordinances of said town, and concurrent jurisdiction in cases of offences punishable by fines not over \$200.
13. In civil cases mayor to be governed by rules governing justices of the peace.
14. In criminal cases, mayor governed by rules regulating justices of the peace in like cases. In offences against laws of the state, to grant appeals to circuit court; and in offences against ordinances of said town where fine exceeds \$5, to grant appeals to said court.
15. Mayor to have power to administer oaths, take depositions, acknowledgements of deeds &c.

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16. Mayor shall have power to issue all writs necessary to carry into effect the powers conferred on him.
17. Council to provide mode for contesting election of officers.
18. Mayor, councilmen, recorder, constable &c., to take oath, to faithfully discharge the duties of their respective offices.
19. Mayor ex-officio president of town council
20. Mayor to be keeper of seal of said town.
21. Style of ordinances, "Be it ordained by the Town Council of Jacksonport;" ordinances to be published in manner as prescribed.
22. Council to appoint recorder, to hold office one year; to give bond and security approved by mayor.
23. Voters to elect town constable, who shall also be town collector, to hold office one year, to give bond and security, approved by mayor, and take oath to discharge his duties; to be ministerial officer of said town and mayor's court; his powers as such defined.
24. Council to appoint treasurer and collector, to hold their offices for one year, and to give bond and security, approved by mayor for the faithful discharge of their duties.
25. Council to provide for the sale and redemption of real property for payment of taxes; and to provide for the levy on and sale of personal property for corporation tax due thereon.
26. Council to appoint a street commissioner, to hold office one year, and prescribe his duties.
27. Council to provide for paving side walks, by owners or occupants of lots adjoining same.
28. Recorder to keep record of proceedings of council; keep them open for inspection, and perform such other duties as shall be presented.
29. Mayor to be governed by laws of

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- this state in all matters not provided for in this act or by ordinance of said town.
30. Act declared a public act.
31. Council to provide for commitment to county jail, persons violating ordinances of said town.
32. Council to provide for removing town officers.
33. Election to be held first Monday in March, and annually thereafter, for officers; if for any cause an election shall not be held on day appointed, council to appoint a day for such election; a failure in first election not to work a forfeiture; six householders may, by 15 days' notice appoint a day for such election.
34. Council to prescribe mode of holding elections in said town; provided first election is held in accordance with the general laws of this state.
35. Judges and clerks of election within 3 days after first election, and recorder within 5 days after each subsequent election, shall forward to secretary of state an abstract of votes for mayor.
36. All fines, and forfeitures, and moneys accruing under this act, or ordinances of said town, shall enure to the benefit of said town.
37. No money to be paid out of treasury except by appropriation of council, and the recorder shall draw his warrant for such sums and none other, and keep a register of same.
38. All licences for taverns, dram shops, shows &c., within the corporate limits, shall be within exclusive grant of said town council.
39. Inhabitants of said town exempt from labor or tax for labor, on county roads, and council may levy a street tax, on all male citizens of said town, over 18 and under 50 years of age.
40. This act in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the town of Jacksonport, in the county of Jackson, State of Arkansas, and the inhabitants thereof, shall be, and are hereby created, erected, established, and constituted a body politic and corporate, by the name, and style of "Town of Jacksonport," and the council hereinafter provided for, shall have power to fix the metes and bounds, of said corporation, and shall have a plat thereof, recorded in the office of the clerk, of the county court; *Provided*, Said corporation shall not extend more than

three quarters of a mile back from said river; and by that name shall be known in law and equity, have perpetual succession, sue and be sued, plead and be impleaded, in all courts of law and equity, having competent jurisdiction, and in all actions and matters whatsoever, may receive purchase, and hold property, real, personal and mixed, within the limits of said town and adjacent thereto, and may lease, sell, dispose of, and convey the same, for the benefit of said town, may have a common seal, and may alter or change at pleasure, and may do all other acts, as natural persons.

SEC. 2. The corporate powers and duties of said town, shall be vested in a mayor, town council and such other officers as are hereinafter provided for.

SEC. 3. The town council shall consist of six councilmen, who shall be elected by the citizens of said town, having the qualifications of voters for members of the General Assembly of the State of Arkansas, and shall hold their offices for the term of one year, and until their successors are elected and qualified.

SEC. 4. No person shall be eligible to the office of councilman, who has not resided within the limits of said town for six months next preceding his election, and possess the qualification of a voter; and all other officers of said town shall possess the same qualifications as councilmen. The town council shall judge of the qualifications and election of its own members, a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as may be prescribed by the ordinances of said town; said town council may determine the rules of their proceedings, punish their members for disorderly conduct, and may by the concurrence of two thirds of the whole number elected, expel a member, and shall on the call of any member, cause the ayes and nays to be entered on the journal.

SEC. 5. The town council shall appoint all officers named in this act, whose appointment is not otherwise provided for, and shall have power to provide by ordinances for the appointment of all officers and agents of the town not otherwise provided for, and to prescribe their duties.

SEC. 6. All vacancies in the office of councilmen, shall be filled by the town council, and officers so appointed, shall serve until their successors are elected and qualified.

SEC. 7. The town council shall have power to levy and collect taxes on all property real or personal, within the limits of said town, not exceeding one half of one per cent. per annum, on the assessed value thereof; *Provided*, That no tax shall be levied or collected on any church, or school property, or scientific apparatus in said town; to make regulations to prevent the introduction of contagious diseases, to establish quarantine within the limits of said town and to enforce the same; to make provisions to secure the general health of said town, and to prevent and remove nuisances; to

establish and regulate night watches and patrols, erect lamps in the street and light the same, erect and repair wharves and regulate the anchorage and moorings of vessels; to license and regulate taverns, groceries, billiard tables, ten pin alleys, dram shops, auctions, hawkers and pedlars, shows, circuses, theatrical performances, and other exhibitions, and to restrain and prevent tippling houses, gaming houses, bawdy houses, and all other disorderly houses; to establish and repair bridges; to establish, repair and regulate markets; to open, grade, pave, or otherwise improve and repair streets, alleys, avenues, lanes, drains and sewers; to provide for the inspection of lumber, and other building materials, to be used in said town; to provide for the inspection, weighing and measuring of provisions, hay, fodder, wood, coal and other fuel, to be used or offered for sale in said town; provide for the prevention and extinguishing of fires, and to establish a fire company; to regulate the storage of gunpowder, saltpetre, tar, pitch, cotton and other combustible materials; to prevent the firing of fire arms and other explosive compounds in said town; to prevent the furious and unnecessary riding or driving of any horse, mule or other animal, within the limits of said town; to provide for the impositions and collections of fines, penalties, and forfeitures for the breach of any ordinance of said town; and to appropriate the money arising from fines, forfeitures, penalties and taxes; and provide for the payment of the debts and expenses of said town; to provide for, and erect, all needful buildings for the use of the town, and enclose, improve and regulate all public grounds belonging to said town; to provide for the enumeration of the inhabitants of the town; to fix the compensation of the town officers regulate the fees of jurors, witnesses, and others for services under this act, or any ordinance of the town council; to pass such ordinances for the regulation and police of said town, as the said town council shall deem necessary to carry into effect the objects of this act, and the powers herein granted, and as the good of the inhabitants of said town may require; *Provided*, That no ordinance shall be inconsistent with, nor repugnant to the laws of this state.

SEC. 8. The town council shall have power to pass ordinances regulating the police of slaves; imposing fines and penalties, and provide for the collection, on owners and masters of slaves suffered to go at large upon the hiring of their own time, or to act or deal as free persons; and to regulate, restrain and prescribe the terms upon which free negroes and mulattos shall be permitted to reside in said town.

SEC. 9. The town council shall have power to provide by ordinance for the punishment by fine, not exceeding one hundred dollars, or by imprisonment not exceeding ten days, or both, of any person or persons who shall wilfully disturb the peace of the town, by loud or offensive, or indecent language, or by threatening, quarrelling, challenging, or fighting, or by provoking, or attempting to provoke another to commit a breach of the peace, or any person

who shall be found intoxicated on the streets, and disturbing the peace and quiet of said town; and any person who shall commit any of the offences mentioned in this section, after sun set, may be arrested and imprisoned until the next day, or if the next day be Sunday, until the next Monday, when such person shall be brought to trial.

SEC. 10. The mayor of said town shall be elected by the qualified voters of said town and commissioned by the governor of the State of Arkansas, and shall hold his office for one year, and until his successor is elected and qualified.

SEC. 11. The mayor of said town is hereby constituted and established a corporation court, and shall be known as the mayor of the town of Jacksonport, and as such, shall be the chief judicial officer of said town, and shall have such jurisdiction in civil and criminal matters, within said town, as may be conferred upon him by this act, and by ordinances of the town council of said town, not incompatible with the laws of this state.

SEC. 12. The mayor shall be a conservator of the peace within the limits of the town, and shall have power to hear and determine, and have original jurisdiction in civil and criminal matters, where the amount in controversy does not exceed one hundred dollars; and may sit as an examining court, and commit, discharge or recognize, to the court having jurisdiction, for further trial, all offenders against the criminal laws of this state which he has not power to try; he shall [have] exclusive original jurisdiction in all offences arising under the ordinances of said town, and concurrent jurisdiction in all offences committed in said town against the laws of this state, punishable by fine only, where the fine does not exceed two hundred dollars.

SEC. 13. In all civil cases, the mayor shall proceed in the same manner, and in all things be governed by the same rules of proceeding which may, for the time be in force, regulating and governing justices of the peace, and shall grant appeals to the circuit court of Jackson county, and in all things be subject to the same superintending control of that court that justices of the peace, by the laws of this state, may for the time be.

SEC. 14. In criminal matters, the mayor shall be governed by the rules governing justices of the peace for the time, so far as the same may be applicable, with such additional powers as may be necessary to carry out and enforce the jurisdiction hereby conferred upon him; *Provided*, That he shall in all cases of offence against the laws of the state, grant appeals to the circuit court, in the same manner that appeals are granted by justices of the peace in criminal cases; and in case of offences against, or violation of, the ordinances of said town council, when the judgment, exclusive of costs, exceeds five dollars, appeals shall be granted to said circuit court, in the same manner prescribed for justices of the peace in like cases for the time being.

SEC. 15. The mayor shall have power to administer oaths, take depositions and acknowledgements of deeds, mortgages, and other instruments of writing, affecting the title of lands and other property, and certify the same under seal of said town, which shall be received as good and valid throughout the State of Arkansas. He shall have exclusive jurisdiction in all matters arising under the ordinances of said town, and concurrent jurisdiction in all other cases in which jurisdiction is conferred upon him by this act.

SEC. 16. The mayor shall have power to issue all writs necessary and proper to carry into effect the powers and authority conferred upon him by this act, the ordinances of said town, and to bring before him forthwith, and to hear and determine in a summary manner, and to punish according to the provisions of the ordinances of said town, any person or persons charged with violating any of the provisions of any ordinance of said town council.

SEC. 17. The town council shall, by ordinance or ordinances, provide for the mode of contesting all elections of officers of said town.

SEC. 18. The mayor, councilmen, recorder, constable, and other officers shall, before entering upon the duties of their respective offices, take and subscribe an oath to support the constitution of the United States, and the State of Arkansas, and faithfully to demean themselves in office; which oath may be administered by the mayor of said town, or any judge or justice of the peace in Jackson county.

SEC. 19. The mayor shall, ex-officio, be president of the town council, but shall have no vote in any case.

SEC. 20. The mayor shall be keeper of the seal of said town, and the same shall be used by him in all cases when his acts are required to be under seal.

SEC. 21. The style of all ordinances of said town shall be, "Be it ordained by the town council of Jacksonport;" and all ordinances duly passed, shall, within one month after their passage, be published in said town in such manner as shall be prescribed by ordinance.

SEC. 22. The town council shall appoint a town recorder, who shall hold his office for the term of one year, unless sooner removed, who shall give bond and security, to be approved by the mayor, for the faithful discharge of his duties, which duties shall be described by ordinance.

SEC. 23. There shall be elected, by the qualified voters of said town, a town constable, who shall, ex-officio, be town collector, who shall hold his office for the term of one year, and until his successor is elected and qualified; and said constable shall, before entering upon the duties of his office, give bond to the town of Jacksonport, with sufficient security, to be approved by the mayor, conditioned for the faithful performance of his duties as constable and town collector. Said constable shall be the ministerial officer of said town,

and of the corporation court herein before erected; and as such, shall have power to do and perform all acts necessary to carry into effect the objects of this act and ordinances of said town council. He shall execute and return all process issued by the mayor; he may serve criminal process, warrants and subpoenas issued by the mayor, in any part of the county, for offences committed within the limits of said [town], and all subpoenas in civil cases.

SEC. 24. The town council shall appoint a treasurer and assessor, whose duty shall be prescribed by ordinances of said town council, who shall hold their offices for one year, and until their successors are appointed and qualified, and before entering upon the duties of their offices, they shall give bond to said town with security, to be approved by the mayor, conditioned for the faithful performance of the duties of their respective offices.

SEC. 25. The town council shall have power to provide by ordinance for the sale of real property for the payment of taxes, and provide for the redemption thereof; *Provided*, Such ordinances are not repugnant to, or inconsistent with, the laws of this state; and they shall, in like manner, provide for, and authorize the collector to levy upon and sell any personal property in said town for any corporation tax due from the owner thereof.

SEC. 26. The town council shall have power to appoint a street commissioner, who shall hold his office for one year, and by ordinance prescribe his power and duties.

SEC. 27. The town council shall have power to provide by ordinance for the paving of side walks, by owners or occupants of lots or property adjoining the same; and if said owners and occupants fail to comply with said provisions, said council may perform said work, and recover the actual cost thereof from the owner or occupant, and the certificate of the mayor that any occupant of property owned by a non-resident of the said town, shall be a good off-set for rent, to that amount due for said property; *Provided*, That no mere occupant of any property shall be required to pay in any one year, a sum greater than the rent of the property occupied by him for one year.

SEC. 28. The recorder shall keep a fair and accurate record of all proceedings of the town council, which shall be open for the inspection of all persons at all reasonable times; and he shall keep in his office all records and public documents belonging to said town; and shall perform such other duties as shall be prescribed by ordinance.

SEC. 29. The mayor shall be governed by, and decide according to, the laws of this state, in all matters not provided for in this act, or by ordinances of said town.

SEC. 30. This act is hereby declared to be a public act, and shall be so regarded, and received in all courts of this state without being specially pleaded or proven.

SEC. 31. It shall be lawful for the town council to provide by ordinance for the commitment to the jail of Jackson county, all per-

sons violating any of the ordinances of said town, and the jailor of said county is hereby required to receive and safely keep in said jail, all persons committed to jail under the ordinances of said town.

SEC. 32. The town council shall have power to provide by ordinance for the removal of town officers.

SEC. 33. There shall be an election held in said town on the first Monday in March, 1853, and annually thereafter, for the election of town officers; and if, for any cause, the election shall fail to be held on the day appointed, an election may be ordered by the town council, at such time as they may appoint, which election, shall, in all respects, be as legal as if held upon the day appointed by this act; and if a failure should occur in the first election appointed under this act, it shall not work a forfeiture of this act, but it shall be lawful for any six householders in said town, to call an election for town officers under this charter, at such time as they may appoint, by giving fifteen days' notice thereof, by written advertisements put up in five public places in said town.

SEC. 34. The town council shall have power to prescribe the mode of holding all town elections and appointing judges thereof; *Provided*, That the first elections under this act shall be held in accordance with the general laws of this state; and the electors present shall elect the judges and clerks of said election, who shall grant certificates of election, and file the poll books of said election with the town council after the organization thereof.

SEC. 35. The judges and clerks of town elections, shall, within three days after the first election, and the recorder within five days after every subsequent election, shall forward to the secretary of state of Arkansas, an abstract of all the votes polled for mayor.

SEC. 36. All fines, penalties, and forfeitures, and moneys arising from licenses, accruing under this act or the ordinances of said town, and all fines for offences less than felony committed within the limits of said town, shall enure to the benefit of said town, and may be appropriated by the town council for the benefit of said town.

SEC. 37. No money shall be paid out of the treasury except by appropriation made by the town council, and the recorder shall draw his warrant upon the treasurer for such sums as are ordered by the town council, and none other, and shall keep a register of all orders drawn upon the treasury, state the number, date, amount, in whose favor, and for what service, or account, each order is drawn.

SEC. 38. All licenses for taverns, dram shops, for shows and exhibitions of all kinds, for ten pin alleys, for billiard tables, for auctions, &c., within the corporate limits of said town, shall, hereafter, be in the exclusive grant of the town council of said town, and shall not be issued to any person, for any such purpose, by the county court of Jackson county.

SEC. 39. The inhabitants of said town shall be exempt from la-

bor, or tax for labor, upon the roads of Jackson county; and the town council, in addition to the taxing power hereinbefore granted, may levy a street tax on each male within said town that is between the ages of eighteen and fifty years.

SEC. 40. This act shall be in force from and after its passage.

Approved 17th December, 1852.

An act to Incorporate the Town of Waldron, in Scott County.

SECTION.

1. Incorporates the town of Waldron, in Scott county.
2. Qualified voters for members of General Assembly, eligible to vote in all elections, authorized by this act.
3. Officers of said town, one alderman and five councilmen.
4. Alderman and council to fix boundaries of corporation, and cause a plat thereof to be recorded in county court clerk's office.
5. Said town a body politic and corporate; and the alderman and council to pass by-laws, rules &c., for its regulation, not inconsistent with the laws and constitution of this state.
6. First election 1st Monday in March 1853, and 1st Monday of January, annually thereafter, for one alderman and members of council.
7. Alderman and council in ten days after election, to take oath before a justice of the peace, faithfully to discharge the duties of their offices.
8. Alderman and council to be denominated "the Town Council;" sittings public, alderman presiding.
9. A majority of council to decide all questions, the alderman giving casting vote when a tie.
10. Alderman the executive of said town, with power of a justice of the peace.
11. Council to make and enforce rules to preserve the health of the town, regulate markets, pass by-laws to suppress vice by fine, not over \$50, and imprisonment not more than

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- three months.
12. Council to levy tax on all property within said town; on neglect or refusal to pay tax, council to give judgment and issue execution for the amount and costs, and levy same on personal property; advertise same 10 days before sale, and sell to highest bidder; and give bill of sale, but no tax shall be levied higher than the rate per cent. for county purposes.
13. Alderman and council to appoint corporation officers.
14. Vacancy in office of Alderman, an election to be held to fill said vacancy. Vacancy in council merely filled by appointment of remaining council.
15. Council, issuing any bills notes or tickets to circulate as currency, such act a forfeiture of this charter, and the fact may be given in evidence on trial of said corporation, and be a bar to such action.
16. Failing to hold election on the day designated, clerk of county court or any member of the council, by giving ten days' notice may have such election held.
17. Alderman to keep docket and make entries of his official acts; and appeals to circuit court had as appeals from a justice's court.
18. Council to determine alderman's fees.
19. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the town of Waldron, in the county of Scott, in the State of Arkansas, extending one-half mile north, one-half mile south, one-half mile east, and one-half mile west; making the court house in said town, the centre, shall be, and the same is hereby incorporated.

SEC. 2. That all the free white male inhabitants of said town qualified to vote for the members of the General Assembly, shall be eligible to a vote in all elections authorized by this act.

SEC. 3. The officers of the town of Waldron shall consist of one alderman, and a council composed of five members, and such other officers as may be deemed necessary by the alderman and council to carry into effect the provisions of this act.

SEC. 4. The alderman and council of said town shall have power to fix the metes and bounds of said corporation, and shall cause a plat thereof to be recorded in the office of the clerk of the county court.

SEC. 5. The said town shall be a body politic and corporate in deed and in law, by the name and style of "the Corporation of the town of Waldron," and by that name the alderman and council are hereby made capable and able to pass all rules, ordinances and by-laws as may be necessary for the internal regulation of said town; *Provided*, That no ordinance, or by-law shall be passed that is incompatible with the constitution and laws of this state.

SEC. 6. That there shall be an election held on the first Monday in March, 1853, and on the first Monday of January annually thereafter, for the election of alderman and members of council who shall hold their offices for the term of one year, (except those elected in March, 1853, whose term of office shall expire as soon as their successors are elected in January 1854, shall be qualified) and until their successors are elected and qualified, and such election shall be held in the manner prescribed by law for holding and conducting all general elections in this state.

SEC. 7. That it shall be the duty of the alderman and council, elected under the provisions of this act, within ten days after they shall have been elected, to take an oath before some justice of the peace, faithfully to discharge the duties of the office to which they were elected, and to support the constitution of this state and of the United States.

SEC. 8. That the alderman and council provided under the provisions of this act, shall be denominated "The Town Council," the sitting of which shall be public, the alderman presiding, and shall be governed by such rules as may be prescribed by said council.

SEC. 9. That a majority of said town council shall decide all questions before them, and in case of a tie, the alderman shall give the casting vote.

SEC. 10. That the alderman of said town shall constitute the executive thereof, he shall be a conservator of the peace, within the limits of said town, and he is hereby authorized and empowered and required to do and execute all those matters and things which a justice of the peace may lawfully do in the limits of said town, and he shall be further authorized to commit persons guilty of a breach of the peace to the common jail of the county, and shall have power to suppress all riots and unlawful assemblies, and execute the laws of said corporation.

SEC. 11. That said town council shall have power to make and enforce such rules as may be deemed necessary to preserve the health of said town, and for that purpose may create a board of health, with such powers as may be conferred for that purpose, and the said town council may erect a market house, and regulate the markets, and make such by-laws as they deem necessary for the suppression of vice and immorality, within the limits of said corporation, and enforce the same by fine and imprisonment in any sum not exceeding fifty dollars, nor imprisonment more than three months, according to the nature of the offence or violation of said by-laws, and when collected shall be appropriated to the benefit of said town in such manner as shall be prescribed thereby.

SEC. 12. That it may be lawful for said town council to levy and collect a tax on all property both real and personal within said town, and if any person or persons neglect or refuse to pay any such tax or fine that may be levied or imposed by said town council, it shall be the duty of said town council to give judgment against such person, or persons, so neglecting or refusing to pay such tax or fine as aforesaid, and shall thereon issue execution for the amount of such judgment and costs which shall be levied on the personal property of said defendant within the limits of said corporation, and advertise the same at least ten days before the day of sale, by three advertisements, put up in said town, and proceed to sell the same to the highest bidder, unless the said judgment and costs be paid before the day of sale thereof; and the town council shall give a bill of sale for such property as may be sold as aforesaid; *Provided, however,* That no tax shall be levied which shall exceed the rate per cent. levied and assessed by the county court for county purposes.

SEC. 13. That the alderman and council shall have power to appoint a clerk, assessor, town constable, overseer of the streets, and patrols, with power to carry into effect and execute the ordinances of said town council.

SEC. 14. That in case of death, resignation, or removal of the alderman, the council shall have power to cause an election to be held, to elect an alderman to fill such vacancy, who shall hold his office until the next annual election; *Provided,* That ten days' notice shall be given of the time and place of holding such election, and in case of death, resignation, or removal of any of the council, the remaining council shall have power to fill such vacancy by appointment, who shall hold their office until the next annual election.

SEC. 15. That it shall not be lawful for said corporation to issue change-tickets of any description whatever, and that if said corporation under any pretence whatever, issue any bills, notes, or tickets, or any promise, or obligation whatever, designed or intended to circulate and pass as currency, such act shall be taken and

held as a forfeiture of this charter; and any person, or persons, whomsoever, may in any trial or action by said corporation, give the fact in evidence on such trial or action, and when proven shall be a good bar to any such action.

SEC. 16. That if the citizens of said town shall, at any time hereafter, fail to have an election on the day specified by this act, that then, and in that case the clerk of the county court, or any member of the council may, by giving ten days' previous notice, have an election held for town council, which shall be as legal as though it had taken place on the day herein appointed.

SEC. 17. That the alderman shall keep a docket, and make entries of his official acts, when in the discharge of his official duties imposed on him by this act, and when an appeal is prayed for a transcript from such docket shall be sent up to the circuit court of Scott county as in other cases of an appeal from a justice's court now defined by law.

SEC. 18. That the town council shall have power to determine the amount to be given to the alderman of said town, as fees for the discharge of his duties; *Provided however*, That such fees shall not exceed fees given to justices of the peace for similar services.

SEC. 19. That this act take effect and be in force from and after the first day of February, A.D. 1853.

Approved 17th December, 1852.

An act to legalize the sale of the Sixteenth Section in Township eight, south of Range thirty west, in the County of Sevier.

SECTION

1. Legalizes sale of 16 sec. in T. 8, north of range 30 west in Sevier county, by commissioner Jackson, and his successor to fulfil contracts before made.

SECTION

2. Laws in conflict with this act repealed.
3. This act take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the commisssioner's sale heretofore made by Lewis Jackson as commissioner of the sixteenth section, in township eight, south of range thirty west, in the county of Sevier, be, and the same is hereby declared legal, and that no irregularity, or mistake of said commissioner, shall effect said sale, and that his successor is hereby authorized to carry out, fulfill, and make valid to the individuals purchasing said lands, and all contracts heretofore made according to law now in force, and generally to act in the premises as commissioners of the sixteenth are now required by law.

SEC. 2. *Be it further enacted*, That all laws conflicting with this act, so far as said township in the county of Sevier, is concerned, be, and the same are hereby repealed.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 17th December, 1852.

An act to constitute Maria Gertrude Buchanan one of the legal heirs of Sterling C. Buchanan, of Ouachita County.

SECTION.

1. Constitutes Maria G. Buchanan, of Ouachita county, a legal heir of Sterling C. Buchanan

SECTION.

2. This act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Maria Gertrude Buchanan, daughter of William A. Buchanan deceased, of Ouachita county, be, and is hereby constituted and declared to be one of the legal heirs of Sterling C. Buchanan, and she may and shall inherit all the estate, both real and personal, of said Sterling C. Buchanan, in the same way and manner that she would, were she child of his body.

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved 17th December, 1852.

An act for the relief of John A. Hariwck, sheriff of Monroe County.

SECTION

1. Amends so much of the act to change the lines between the counties of Prairie and Monroe, approved 7th Dec. 1850, as to allow sheriff of Monroe, as collector for his county, to collect all dues to his county in the territory taken from Monroe and attached to Prairie, as effectually

SECTION

- ally as if said territory yet remained in Monroe county. All controversies that may arise out of said sheriff attempting to collect dues in said territory, exclusively cognizable in the courts of Prairie county.
2. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the act entitled "an act to change the lines between the counties of Prairie and Monroe, approved 7th December, A. D. 1850, be, and the is hereby so amended, as to authorize and allow the sheriff and collector of the said county of Monroe, in the manner and mode now prescribed by law, to proceed to collect from the inhabitants of said county of Prairie, residing in that portion of the territory, struck off from the county of Monroe and attached to the said county of Prairie, by the terms and provisions of the act hereinbefore recited, all such amounts as may have been due him as such collector of the county of Monroe, at the time of

the passage of said act, as effectually, and to all intents and purposes, as lawfully as if the said territory did yet belong to said county of Monroe, or as if this provision had been in fact incorporated in said act, which this is intended to amend, and that all questions of controversy between the said John A. Harwick and the citizens of that part of Prairie cutoff, from the county of Monroe, by the change of line between said counties, that may arise out of the attempt to collect the taxes claimed by him, as aforesaid, shall be exclusively cognizable in the courts of Prairie county.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in full force from and after its passage.

Approved 17th December, 1852.

An act to repeal an act passed by the last General Assembly, and approved the second day of January, 1851.

SECTION

1. Repeals the act passed 2d January 1851, granting G. H. Morton privilege to change military road in Izard county.
2. Said Morton to restore road to same ground, and in as good order as it

SECTION

was before passage of the law this act repeals; and failing to do so, to be fined not less than \$10 nor more than \$50, and this act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That an act passed the second day of January, 1851, granting George H. Morton, of Izard county, the privilege to change the military road, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the said George H. Morton, is hereby required to open and put in as good order, and upon the same ground that said military road was before the passage of the act that this is intended to repeal, and in case the said George H. Morton shall fail, refuse, or omit to comply with the requirements of this act, he shall forfeit and pay to Izard county, not less than ten nor more than fifty dollars, to be recovered by indictment in the circuit court of said county of Izard. This act to take effect and be in force from its passage.

Approved 17th December, 1852.

An act for the relief of John Havis, late Sheriff of Bradley County, also for the relief of John J. Hammett, late Sheriff and Collector of Jefferson County.

SECTION

1. Lien on property provided for in sec. 88, chap. 139. extended 18 months.

SECTION

2. This act to take effect and be in force from its passage.

WHEREAS, The said John Havis, and John J. Hammett, late

sheriffs of the counties of Bradley and Jefferson, respectively, have had to pay taxes for certain individuals, for the year 1852; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the lien on property now provided for by law, in section 88, of chapter 139, be extended eighteen months, and that the said Havis and Hammett be allowed to collect said taxes in the same manner that the taxes are collected under existing laws.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 17th December, 1852.

An act for the relief of Carney C. Straughan, Sheriff of Lawrence County.

SECTION

1. Sheriff of Lawrence county to advertise and sell non-resident lands, named in preamble, on 1st Monday in February, 1853.
2. Sheriff by 1st of March to pay proceeds of such sales into treasury of state; clerk of said county to make out and certify a copy of such lands sold for taxes, and not sold, and amount due thereon, and transmit same to auditor of state.

SECTION

3. Sheriff failing to comply with provisions of second section of this act, subject to the penalties and forfeitures under laws regulating collection and payment of revenue.
4. Said sheriff before making and sale, to give bond in double amount due on account of revenue for 1852 to the state.
5. This act shall take effect and be in force from its passage.

WHEREAS, Carney C. Straughan, as sheriff of Lawrence county, failed to advertise, according to law, a list of the taxable lands belonging to non-residents, in the county of Lawrence, which were subject to taxation for the year 1852; And whereas, The said sheriff used all diligence on his part to have the same advertised according to law, but by, and on account of the failure of the mail, a list of said lands did not reach the office of publication in time to be published, as is prescribed by law; And whereas, on account of said mail failure, and non publication of such lands, he has become, and is chargeable with the taxes due on said lands; And whereas, The said Carney C. Straughan, as such sheriff, did, on the 10th day of December, 1852, pay into the treasury of the State the sum of nine hundred and twenty-three dollars and forty-five cents, the amount of revenue due to the State saving and excepting the amount due on account of said non-residents lands; Therefore:

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Carney C. Straughan, as sheriff of Lawrence county, be, and he is hereby authorized to advertise said non-residents lands, named in the preamble of this bill, as is now prescribed by law, and to sell the same at the court house door, in the town of

Smithville, in the county of Lawrence, on the first Monday in February, A. D. 1853, and that said sales shall be conducted in the same manner and with the like effect, as if they had been made at the time now prescribed by law.

SEC. 2. That said sheriff shall, on or before the first day of March, 1853, pay into the treasury of this state all such sums of money as may be realized from the sale of such non-residents lands, and it shall be the duty of the clerk of the county court of said county of Lawrence, to make out a certified copy of such lands which may be so sold for taxes, and also such as may not be sold, together with the amount due on the same, and transmit such list to the auditor of public accounts of this state immediately after said sale.

SEC. 3. *And Be it further enacted*, That if said sheriff shall fail to pay into the state treasury the amount now charged against him in the auditor's office of this state, on account of such non-residents lands, as is required in the second section of this act, then, and in that case he shall be subject to all the penalties and forfeitures under the law regulating the collection and paying over the revenue of this state, the same as if this act had not been passed, and upon payment of the same, he is hereby released from all penalties under the law.

SEC. 4. *Be it further enacted*, That said sheriff shall, before making such sales, execute a bond in double the amount remaining due on account of the revenue for the year 1852, to the State of Arkansas, with such security as the law now requires, which bond shall be approved as revenue bonds are now approved under existing laws.

SEC. 5. *And Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 17th December, 1852.

An act for the relief of James Buchanan.

SECTION

1. Appropriates \$254,39 to pay James Buchanan for labor on state house.
2. Auditor to issue warrant for above

SECTION.

sum; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of two hundred and fifty-four dollars and thirty-nine cents be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay James Buchanan, carpenter, for certain work and labor performed on the state house.

SEC. 2. *Be it further enacted*, That the auditor of public ac-

counts be, and he is hereby required to issue his warrant on the treasury for the sum of two hundred and fifty-four dollars and thirty-nine cents, above specified; and that this act shall take effect and be in force from and after its passage.

Approved 17th December, 1852.

An act to confirm Certain Sales.

SECTION

1. Confirms sale of certain negroes of the estate of Joseph Potts dec'd, sold by K. Potts to S. W. Cheney.
2. All right, title, claim and interest of the heirs of Joseph Potts dec'd, in a certain tract of land sold by K. Potts, to G. W. Carr, vests in said Carr and sale confirmed.
3. All right, title, claim and interest of Lorenzo Dow Love, in and to a

SECTION

- certain tract of land, sold by Darling Love, to Edley H. Langford, vested in said Langford, and the sale made valid and good.
4. Darling Love to sell and convey, and make title to a certain tract of land, entered by Ransom Desha Love, at land office in Clarksville, as fully as could be done by said Ransom Desha Love.

SECTION 1. *Be it enacted by the General Assmebly of the State of Arkansas,* That all right, title, claim, and interest which the heirs of Joseph Potts, deceased, has in and to certain negroes sold and transferred by Kirkbride Potts, junior, to Stephen W. Cheney, be, and the same is hereby vested in said Stephen W. Cheney, and the sale made by said Kirkbride Potts to said Stephen W. Cheney of the negroes aforesaid, shall be in all things affirmed.

SEC. 2. *Be it further enacted,* That all right, title claim, and interest which the heirs of Joseph Potts, deceased, had, or have to certain lands, viz: east half of the north-east quarter of section No. twenty, in township No. seven, of range No. nineteen west, in the district of lands, subject to entry at Fayetteville, which were bargained and sold by Kirkbride Potts, junior, to George W. Carr, be vested in said George W. Carr, and that said sale of lands by Kirkbride Potts, junior, to said George W. Carr, be in all respects good and valid.

SEC. 3. *Be it further enacted,* That all the right, title, claim and interest which Lorenzo Dow Love has, or had to a certain tract of land, entered November the 15th, A. D. 1852, at Fayetteville, by Darling Love in the name of Lorenzo Dow Love, being the south-west fractional section three, township six, north of range twenty west, containing about ninety acres, be, and the same is hereby vested in Edley H. Langford and the bargain and sale of said lands made by Darling Love to said Edley H. Langford, be, in all things affirmed and held good and valid.

SEC. 4. *Be it further enacted,* That Darling Love be, and he is hereby authorized and empowered to sell and convey, and perfect title to make, to a certain tract of land, entered by said Darling

Love, in the name of Ransom Desha Love, at the federal land office, in the town of Clarksville (viz.) the south-west quarter of section fifteen, range twenty, township seven, containing one hundred and sixty acres, in as full and ample manner as the same could be done by said Ransom Desha Love, in accordance with existing laws.

Approved 18th December, 1852.

An act to provide more fully for the election of Commissioners to sell or lease the Sixteenth Sections in Congressional Townships number nine, ten, eleven and twelve, north of Range number twenty-nine west.

SECTION

1. Citizens of township No. 9, 10, 11, 12, north of r. 29 w., or either of them to elect commissioner to sell or lease 16th sections in said townships, in manner as provided in act approved 11th Jan. 1851.
2. Said sale conducted as though the whole of said township lay within Crawford county, and commissioners amenable to said Crawford county.
3. Citizens of said townships in Frank-

SECTION

- lin county, entitled to equal profits of said lease or sale, as those residing in limits of Crawford county.
4. Election for commissioner to be held by justices of the peace of Crawford county, who shall proceed as though the whole of said townships lay within Crawford county.
5. Laws and parts of laws in conflict with this act repealed.
6. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the citizens of the above named townships, or either of them, are hereby authorized to proceed to the election of a commissioner, to sell or lease the sixteenth section in each of said townships, in the same manner as is now provided for by an act entitled "an act to amend the common school system in the State of Arkansas; approved 11th January, 1851.

SEC. 2. *Be it further enacted*, That the election of commissioner to sell, or lease, said sixteenth sections, shall be conducted in the same manner as though the whole of said congressional townships lay within the limits of the county of Crawford, and although the said commissioner, when so elected may reside on that portion of congressional township lying within the limits of the county of Franklin, they, or each of them shall be amenable to the county court of Crawford county, and be governed in all respects by the above named entitled act, as though his, or their residence was in the said county of Crawford.

SEC. 3. *Be it further enacted*, That the citizens residing in that part of said congressional townships, lying within the limits of the county of Franklin, shall be entitled to, and receive an equal proportion of the benefits and profits arising from the sale or lease of said sixteenth sections, in as ample a manner, and to as full an extent, in all respects, as the citizens residing in that portion of said

congressional townships, lying within the limits of the county of Crawford, can, or may be.

SEC. 4. *Be it further enacted*, That the election for said commissioners shall be held by the justices or justice of the peace of Crawford county, to be appointed by the county court of Crawford county, which justices shall give the same notice, the same certificate, and make the same returns of said election, as though the whole of said congressional townships lay within the limits of said county of Crawford.

SEC. 5. *Be it further enacted*, That all laws or parts of laws coming in conflict with the provisions of this act shall be, and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 18th December, 1852.

An act to authorize Rebecca Daniels to sell certain Real Estate.

SECTION

1. Rebecca Daniels, guardian of Henry Daniels, authorized to sell the lands mentioned in preamble, and may appoint agent for said purpose.
2. Sale to be either public or private.
3. Said Rebecca not required to enter

SECTION

- into bonds, for proceeds of sale.
4. Said Rebecca to execute to purchaser a deed for said land.
5. This act to take effect and be in force from its passage.

WHEREAS, John W. Daniels, late of the county of Hempstead, in the State of Arkansas, died some time in the year A. D. 1844, in said county, intestate, leaving Rebecca Daniels, his wife, and Henry, his son, aged now about eleven years of age; And whereas, The said Rebecca Daniels having removed to the State of Indiana, and the said above named minor also, over and for whom the said Rebecca has been, in due form of law, appointed guardian by the court of said State of Indiana, having jurisdiction of minors, and the said John W. Daniels having died, seized and possessed of the following lands lying in the State of Arkansas, aforesaid, to wit: the west half of the south-west quarter of section one, in township eleven, south of range twenty-seven west, the north-east quarter, of the north-east quarter of the north-east quarter of section eleven, in the township and range aforesaid, and the south-west quarter of the south-west quarter of section eleven, in township fifteen, south of range twenty-five west, and it being advisable that said real estate be sold and the proceeds held for the use of said minor; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the said Rebecca Daniels, as guardian of the said Henry Daniels, be and she is hereby authorized and empowered to sell the lands mentioned in the preamble hereof mentioned upon

such terms and at such time as she may think best, and that such sale may be effected through any agent appointed by the said Rebecca for that purpose.

SEC. 2. *Be it further enacted*, That said Rebecca be authorized to sell said real estate, as provided for in the first section of this act, at either public or private sale, as she may deem most expedient.

SEC. 3. *Be it further enacted*, That the said Rebecca shall not be required by any of the courts of this state to enter into any bonds whatever, for the proceeds arising from the sale of said lands that she be permitted to collect and receive the same for the use and benefit of said minor, and carry such funds to the State of Indiana, or elsewhere.

SEC. 4. *Be it further enacted*, That the said Rebecca is fully authorized by this act to make and execute to the purchaser or purchasers, of said real estate, a deed for the same with such clauses of covenant and warranty as may be necessary.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 18th December, 1852.

An act to Incorporate the town of Monticello, in Drew County.

SECTION.

1. Incorporates the town of Monticello, in Drew county, and defines its boundaries.
2. Qualifications of voters in said town same as for members of General Assembly.
3. Town officers, one mayor and four aldermen, and such others as are necessary. Election to be held 1st Monday of March, 1853, and annually thereafter, for mayor and aldermen, who shall hold office one year.
4. Said town a body politic and corporate, and to possess powers usually granted corporations in like cases
5. Mayor and aldermen to take oath within 10 days after election to faithfully discharge their duties.
6. Mayor to constitute executive power of said town, and his duties as such defined.
7. Aldermen have power to pass all by-laws and ordinances, for the regulation of said town, not contrary to the laws of this state; in cases of a tie, mayor to give casting vote.
8. No one eligible to office of mayor who is not a free white, 21 years of

SECTION

- age, a resident of the town 6 months before his election, and a free holder or householder in said town.
9. Mayor and aldermen judges of qualifications and elections of their own members, and to determine rules for their own proceedings, &c.
10. Mayor, and in his absence, any member to preside at meetings of council; three a quorum.
11. Any member of the council selected for that purpose, may discharge duties of mayor in his absence.
12. Within 5 days after passage of ordinance, clerk of said town to put up copy in three public places in said town.
13. All vacancies in office of mayor or council to be filled by ordinance.
14. Fines, &c, recovered as council by ordinance directs.
15. Town council to levy tax on real and personal property; on refusal to pay said tax, mayor to collect as other debts are collected before justice of the peace; right of appeal granted.

SECTION

16. Council to appoint constable, also to act as collector and assessor; to prescribe his duties, fix his compensation, &c.
17. A failure to elect mayor and aldermen, or vacancy by death or otherwise, in council, majority may order an election to fill vacancy,—any justice of the peace for said county may hold first election.
18. Within 20 days after election, council to choose clerk from their num-

SECTION

- ber; mayor and aldermen legislative body of said town, and shall be styled the Town Council.
19. Mayor to keep docket and make entry of his official acts; shall grant appeals to circuit court, with transcript from docket.
20. Council to determine fees for mayor not to exceed fees of justices.
21. Citizens of said town, exempt from working roads out of its limits; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the town of Monticello, situated in the county of Drew, is hereby incorporated, and the metes and bounds are as follows, namely: Beginning at the centre of the public square of said town, running east five hundred and fifty yards, thence north five hundred and fifty yards, thence west eleven hundred yards, thence south eleven hundred yards, thence east eleven hundred yards, thence north five hundred and fifty yards to the beginning.

SEC. 2. That all free white male inhabitants of said town qualified to vote for members of the General Assembly, and who have been citizens in the incorporation six months, shall be eligible to vote in all elections authorized by this act.

SEC. 3. That the town officers of Monticello shall consist of one mayor and four aldermen, and such other officers as may be necessary to carry into effect the provisions of this act, and there shall be an election held on the first Monday in March, A. D. 1853, and on the first Monday of March annually thereafter, for the election of mayor and aldermen, who shall hold their offices for the term of one year, and until their successors are elected and qualified, and the elections shall be held in the manner prescribed by law for holding general elections.

SEC. 4. That the said town shall be a body politic and corporate by the name and style of the corporation of Monticello, and by that name, the mayor and aldermen are hereby made capable and able to sue, and be sued, plead, and be impleaded, defend, and be defended, in all courts of law and equity, in all matters and actions whatsoever, and may grant, purchase, receive and hold property, both real and personal, within the said town, and may lease, sell, and dispose of the same for the benefit of said town, and may do all other acts as natural persons, and may have a common seal, and the same break, alter and renew at pleasure, and may pass all rules, ordinances and by-laws, as may be necessary to preserve peace and secure the internal harmony and welfare of said town; *Provided,* That no ordinance, or by-law shall be passed that is incompatible with the constitution and laws of this state.

SEC. 5. That it shall be the duty of the mayor and aldermen elected under the provisions of this act, within ten days after they

shall have been elected, to take an oath before some justice of the peace, faithfully to discharge the duties of the office to which they were elected, and to support the constitution of this state and of the United States.

SEC. 6. That the mayor of said town shall constitute the executive power thereof, and shall be a conservator of the peace, and shall have full power and authority to do, perform and execute all matters and things within the limits of said town, which may be lawfully done by a justice of the peace, in relation to criminal matters; and he shall be vested with full power and authority in all lawful cases of commitment, to commit persons guilty of a breach of the peace, to the common jail of the county; and shall have full power and authority to suppress all riots and unlawful assemblies, within the limits of said town; he shall execute the ordinances of said town, and see that they are obeyed, and he shall have power to assess all fines for a breach of any ordinance, and issue execution for collecting the same.

SEC. 7. The aldermen constituted as aforesaid shall have full power and authority to pass all by-laws and ordinances, to prevent, define, and remove nuisances, restrain and prohibit all gaming and disorderly house, to establish patrols, and restrain and prevent the meeting of slaves, and cause the streets and alleys to be kept open, and in good repair, and to pass any by-laws and ordinances for its regulation as they may deem necessary, that are not contrary to the constitution and laws of this state; and in all cases of a tie the mayor shall give the casting vote.

SEC. 8. That no person shall be eligible to the office of mayor or alderman who shall not have attained the age of twenty-one years, who shall not be a free white male citizen of the United States, who shall not be an inhabitant of the town at the time of his election, and shall have resided therein at least six months before his election, and who shall not be a free holder, or householder, within the limits of said town.

SEC. 9. The mayor and aldermen shall judge of the qualifications, elections and returns of their own members; they may determine rules for their own proceedings; punish any member or other person for disorderly conduct in their presence, and may expel any member; they shall keep a journal of their proceedings, and at the desire of any member the yeas and nays shall be taken, and entered on the journal, on any question, resolution, or ordinance.

SEC. 10. At all meetings of said council the mayor shall preside and keep order, subject to such rules and regulations as may be established by ordinance, and in case of his absence any member of the council may preside, selected by the body; and it shall take three to constitute a quorum to do business.

SEC. 11. In case of the absence of the mayor, any member of the council, selected for that purpose, shall have full power and

authority to do and perform all things that this act requires of the mayor.

SEC. 12. The clerk of the town council shall, within five days after the passage of any ordinance, cause copies of such ordinance to be put up in three of the most public places in such town, for the information of the inhabitants.

SEC. 13. All vacancies in the office of mayor or alderman shall be filled in such manner as may be prescribed by ordinance.

SEC. 14. All fines, forfeitures, and penalties imposed by any ordinance, may be recovered in such manner as the council shall, by ordinance direct.

SEC. 15. It shall be lawful for said town county [council] to levy and collect taxes on all real and personal estate, on all privileges, such as merchants, pedlars, retailers, and venders of spirituous liquors, and on all property subject to be taxed by the state, not to exceed one eighth of one per cent. ad valorem, and if any person or persons, shall neglect, or refuse to pay any such tax or fine, that may be levied or imposed by such town council, it shall be the duty of the mayor to proceed to collect, as debts are usually collected in other cases before a justice of the peace. but in all cases the defendant shall have the right of appeal to the circuit court in the same manner as is now prescribed by law, from a justice of the peace.

SEC. 16. That the council shall have power to appoint a constable, who shall act as assessor and collector of taxes, and have power to remove him from office, prescribe his duties and fix his compensation, and said constable shall have power to do all business assigned him by said council.

SEC. 17. That in case of a failure of any election of mayor and aldermen at the time fixed by this act for such elections, or in case of death, resignation, or removal of any member of said council, the majority of said council may order an election to fill such vacancy; and in case the election, from any cause, should fail to be held at the time prescribed by law, it may be lawful to be held as soon thereafter as can be, and any justice of the peace for said county, shall have power to hold the first election in said town.

SEC. 18. That the said council shall, within twenty days after their election, meet and choose a clerk from among their body, and the mayor and aldermen shall constitute the legislative body of said town of Monticello, and shall be denominated, when assembled, the town council, and the sittings of said council shall be public, and they shall, by ordinance, fix the time and place of holding their stated meetings, and the mayor shall have power to convene the council at any time.

SEC. 19. The mayor shall keep a docket and make entries of all his official acts in said docket, and when an appeal is prayed for, a transcript from such docket shall be sent up to the circuit court of

Drew county, as in other cases of appeals from justice's courts, as now defined by law.

SEC. 20. That the town council shall have power to determine the amount to give the mayor as fees, so that it shall not exceed the fees now given to justices of the peace by law in similar cases.

SEC. 21. All persons who are subject to work on roads, who live in said corporation, shall be exempted from working on any roads out of the limits of said town; and that this act take effect from and after its passage.

Approved 20th December, 1852.

An act for the relief of the heirs of Mary Black deceased.

SECTION

1. Probate court in term time, or clerk in vacation, to grant letters of administration, on estate of Mary Black, dec'd; court, or clerk to give precedence of administration according to rules in English's digest sec. 6; and administrator to take oath and give bond as in other ca-

SECTION

ses of administration; subject to same liabilities, be subject to same rules, and make reports to court, &c., and may sue and be sued, and court to give such orders and judgment as belong to right in management of said estate.

2. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall be the duty of the probate court of Prairie county, in term time, or the clerk thereof in vacation, subject to the confirmation or rejection of the court, to grant letters of administration upon the estate of Mary Black, deceased. That it shall be the duty of the said court, or clerk to give precedence of administration according to the rules of law declared in English's digest, in the sixth section, under the title administration, and the person to be appointed such administrator, shall take the same oath and give the same bond that are required by law in other cases of administration, and he, and his securitis shall in every respect incur the same liabilities, and be subject to the same rules of law which govern and control the action of administrators, and shall be bound to make regular reports, and settlements with the said court, and under its order, to make payments of the debts of the deceased, and distribution of the estate. That said administrator shall have power to sue as such, and may also be sued in that character, and that the probate court of Prairie county shall have full authority to make all necessary and proper orders, and to give such judgments as may belong to justice and right in the management of the estate.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved 20th December, 1852.

An act for the benefit of the heirs at law of John Howell, deceased,
late of Crawford county Arkansas.

SECTION

1. Confirms sale and division of land and negroes, made by H. B. Howell.
2. Perfects title in heirs receiving part of estate, and in purchasers at sale of estate.
3. Administrator to sell remaining por-

SECTION

- tion of land of said estate, and account to the heirs through probate court.
4. This act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sale and division of the land and negroes of said estate of John Howell, deceased, made by Harvey B. Howell, be, and the same is hereby legalized and confirmed.

SEC. 2. *Be it further enacted,* That each and every one of the heirs, who received any part of said estate, by sale, or division, and each purchaser who bought any part of said real estate at the sale thereof, have a full and complete title to the same in fee simple, as fully and completely as if said sale and division had been according to law.

SEC. 3. *Be it further enacted,* That Harvey B. Howell, administrator of said estate, be, and he is hereby authorized and empowered to sell the remaining portion of the land belonging to said estate, yet unsold, at private sale or otherwise, and account to the said heirs through the probate court of said county of Crawford.

SEC. 4. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 20th December, 1852.

An act for the relief of James J. Wilburn, late Sheriff of Carroll County.

SECTION.

1. Jas. J. Wilburn authorized to collect taxes due in Crawford county, for 1845, '46, '47, '48, '49, '50, '51 and '52.

SECTION.

2. Act in force two years from passage, and said Wilburn have same rights as if he was sheriff of Carroll county.

WHEREAS, James J. Wilburn, late sheriff of Carroll county, has paid up in full the taxes of Carroll county, for the years 1845, 1846, 1847, 1848, 1849, 1850, 1851 and 1852, and has not, as yet, collected all of the same; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That James J. Wilburn, late sheriff of Carroll county, be, and he is hereby authorized to collect the taxes due in Carroll county, for the years 1845, 1846, 1847, 1848, 1849, 1850, 1851, and 1852.

SEC. 2. *And Be it further enacted*, That this act shall be, and remain in force two years from its passage, and that said Wilburn have all the rights under this act that he would have if he was the sheriff of Carroll county.

Approved 20th December, 1852.

An act to change the name of Rebecca Erwin to Rebecca Erwin Butterworth, and to constitute her a lawful heir of Thomas Butterworth, and his wife.

SECTION

1. The name of Rebecca Erwin, changed to Rebecca Butterworth
2. Said Rebecca Butterworth constituted a legal heir of Thomas Butter-

SECTION

worth and his wife; to all intents and purposes; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Rebecca Erwin, the adopted daughter of Thomas Butterworth and his wife, now living in the city of Little Rock, in the county of Pulaski, in this state, be, and the same is hereby changed to the name of Rebecca Erwin Butterworth.

SEC. 2. *Be it further enacted*, That the said Rebecca Erwin, now made Rebecca Erwin Butterworth be, and she is hereby constituted a legal heir and representative of the aforesaid Thomas Butterworth and his wife, to all intents and purposes as she would be as if she were their own legitimate offspring; and that this act take effect and be in force from and after its passage.

Approved 20th December, 1852.

An act for the benefit of the heirs of L. C. Quinn, deceased; late of Franklin County Arkansas.

SECTION

1. Guardian of the minor heirs of L. C. Quinn, deceased, of Franklin county, to employ slaves belonging to said minors, on the farm of said Quinn dec'd. for the benefit of said minors, and not to rent said farm or hire out said slaves, except as provided in sec. 2 of this act.
2. Guardian to report annually to probate court of said county; if said court, two years after passage of this act deem the interest of said

SECTION

minors could be advanced by renting said farm and hiring out said slaves, the court shall make such order, and the guardian be required to rent said farm and hire out said slaves.

3. So much of the profits of said farm as necessary for maintainance and education of said minors, shall, by direction of said court be applied to that purpose; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the guardian of the minor heirs of L. C. Quinn, deceased, late of Franklin county in this state, be authorized to employ all the slaves belonging to said minors, on the farm of the said L. C. Quinn, deceased, for the purpose of keeping up and cultivating said farm, for the benefit of said minors, and said guardian shall in no case be required to hire out any of said slaves, or rent said farm, except as is provided in the second section of this act, any law of this state to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That it shall be, and is hereby made the duty of said guardian to report annually to the court of probate of said county of Franklin, at the first term of said court in each year, a detailed statement showing the condition of the farm, profits arising therefrom, and the general condition of said slaves, and if, at time after two years from the passage of this act, the court shall be of opinion that the interests of said minors would be advanced by renting said farm and hiring out said slaves, it shall be the duty of said court to make an order to that effect, and the guardian shall be required to rent said farm and hire out said slaves, in the usual manner as is now by law directed; but nothing in this act shall be so construed as to allow the removal of any of said slaves out of said county of Franklin.

SEC. 3. *And be it further enacted*, That so much of the profits arising from the farm as in the opinion of the court is necessary for the maintainance and education of said minors, shall, by the direction of the court, be applied by said guardian to that purpose; and that this act be in force from and after its passage.

Approved 20th December, 1852.

An act for the relief of the heirs and legal representatives of Peter Mason, deceased, late of Ouachita County.

SECTION.

1. Administratrix of Peter Mason, dec'd. of Ouachita county, to keep slaves of said estate on plantation of said Mason, dec'd.
2. Administratrix, or legal representative of said Mason, to sell crops of said plantation, not required for use of same and family of the deceased, on terms to promote interest of said estate, and she shall make and annu-

SECTION

- ally file with clerk of said county under oath, an account of crops sold, and of negroes, or other property, lost or destroyed.
3. Legalizes doings of administrator and administratrix of said estate.
4. Nothing in this act to barr or prejudice claims against said estate; this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Jane Mason, administratrix of the estate of Peter Mason, deceased, late of the county of Ouachita, be, and she is hereby authorized to keep the negroes and other property of the estate of said deceased, upon the plantation upon which they were left by said deceased, and to employ them in the cultivation and

improvement of said plantation, in such manner as she may deem best calculated to enhance the value of said property.

SEC. 2. *Be it further enacted*, That said Jane Mason, administratrix of said estate, or the legal representative or representatives of said Peter Mason, deceased, shall sell or dispose of the annual crops of cotton and corn, raised on said plantation, or so much thereof, as may not be necessary for the use of the plantation, and family of the deceased, at such time and place, and upon such terms as to her shall seem best calculated to promote the interest of said estate, and she shall file, annually, on the first Monday in January, in the office of the clerk of the county of Ouachita, a settlement under oath, containing a true account of the crop sold, and the amount received or due for the same, together with an account of any negroes or other property which may have been lost or destroyed; also the amount expended for said estate.

SEC. 3. *Be it further enacted*, That all acts done by Hezekiah Dews, as administrator, and Jane Mason, as administratrix of said estate, be, and the same are hereby made legal and binding.

SEC. 4. That the claim or claims of any person on said estate shall not be barred or otherwise prejudiced by the lapse of time, or any thing contained in this act; and this act shall take effect and be in force from and after its passage.

Approved 22d December, 1852.

An act to make an addition to the limits of the City of Van Buren.

SECTION

1. Declares a certain tract of land attached to the city of Van Buren and describes same.
2. Inhabitants of said tract shall hold an election, on 17th January, 1853, and vote for or against said addition; if a majority vote for, such addition shall be made; if against it shall not be made.
3. Inhabitants of said tract, on the day specified shall meet, and select judges of said election, who shall take oath as other judges of election; judges to appoint two clerks,

SECTION.

- who shall also take oath in like manner.
4. Election held, poll books to be returned to clerk of county court, who shall open same, and when counted, an abstract, under his seal, to be filed in his office.
5. All persons residing within corporate limits of said city, and those attached thereto by this act, exempt from working the roads beyond the limits of said city and the territory attached.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the south-east quarter of section twenty-four, township nine north, range thirty-two west, in Crawford county, and the inhabitants thereon be, and they are hereby included within the corporate limits of the city of Van Buren, subject to the laws, regulations, limitations, restrictions and penalties, with all the rights, privileges and immunities now conferred upon the citizens of said city of Van Buren.

SEC. 2. *Be it further enacted*, That the inhabitants residing on the tract of land hereby added to the city of Van Buren, before they shall be considered and deemed to be citizens or inhabitants of said city of Van Buren, shall hold an election on the 17th day of January, 1853, at the residence of John Bostick, situate on said land, and shall then and there vote for or against the addition of said tract of land to said city of Van Buren; and in case a majority of said citizens or inhabitants shall vote for said addition, then, and in that case, the said tract of land shall be deemed, considered and held from thenceforward as a part and portion of said city of Van Buren under the provisions of this act, and in case that a majority of the inhabitants shall vote against such additions, then, and in that case, it shall be deemed and taken, that this act shall have no effect upon them, nor the lands nor territory whereon and wherein they reside.

SEC. 3. *Be it further enacted*, That the citizens or inhabitants of said tract of land above proposed to be added to said city of Van Buren, shall, upon the day above appointed, meet together at the place above designated, and when so assembled, shall proceed to select from their number three persons to act as judges of such election, and when so selected shall take the same oath as is now prescribed by law to qualify the judges of elections held under the authority of the laws of this state, and when said judges shall be so selected, sworn and qualified, they shall proceed to appoint two clerks for such election, who shall likewise take the same oath as is now provided to qualify clerks of elections held under the laws of this state.

SEC. 4. *Be it further enacted*, That when the election is so held, the poll books thereof shall be returned, in the same manner as the poll books of the general elections are required to be returned, to the office of the clerk of the county court of said county of Crawford, and the said clerk is required, within the time now prescribed by law, to open the same, and when the same shall be so opened, and the polls thereof counted, an abstract of such poll books shall be made out, under his official seal, and filed in his said office, which said abstract shall likewise be recorded in the register of said county, in which deeds and mortgages are recorded.

SEC. 5. *Be it further enacted*, That all persons who now reside within the corporate limits of said city of Van Buren, as well as those who may be attached thereto by the provisions of this act, be, and they are hereby exempted from working upon the public roads and highways beyond the limits of said city of Van Buren and the territory hereby attached by this act.

Approved 22d December, 1852.

An act for the relief of William Harvick, of Monroe county.

SECTION

1. Guardian of the heirs of Wm. McGill dec'd, of Monroe county, to keep on the farm of his wards, for 10 years, all the slaves of said estate, provided said guardian shall, at the probate court held next after first Monday in Jan'y, in each year, make settlement for all money received from labor of said slaves, and said court shall charge him

SECTION

- with such money.
2. Confirms sale of a slave by said guardian to Thos. E. Barner, of provided said guardian file in probate court his account current before 1st May next, and charge himself with the amount for which said slave was sold and interest at 6 per cent. from 1st August, 1851.
3. This act in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That William Harvick, of Monroe county, be, and he is hereby, fully authorized and empowered as guardian of the heirs at law of William McGill, deceased, late of said county of Monroe, to keep together on the premises and plantation of his said wards, for the full term and period of ten years from this date, the negro slaves belonging to said wards; *Provided*, The said William Harvick, as such guardian, shall, and will, at the term of the probate court, to be held in and for said county of Monroe, next after the first Monday in January, in each year, make settlement for all sum or sums of money which he may or shall derive or realize from the labor and service of such slaves, either by the sale of produce raised or made by them, or from the labor of such slaves performed in any other way; *And provided further*, That such probate court shall charge him with all such sum or sums of money.

SEC. 2. *Be it further enacted*, That the sale made by the said William Harvick of a certain negro slave, named Martin, belonging to his said wards, to one Thomas E. Barner, of Monroe county, Arkansas, some time during the summer of 1851, be, and the same is hereby, in all things, confirmed, and the same hereby declared to be as lawful and effectual in communicating title to such slave, as if the same had been made under the existing laws of this state; *Provided*, The said William Harvick shall file, in the probate court of said county of Monroe, his account current of moneys received and paid out on account of said wards, on or before the first day of May next, and shall charge himself therein with the sum of seven hundred and fifty dollars, the consideration money for which said slave was sold, and interest on said sum, at the rate of six per centum per annum, from the first day of August, A. D. 1851, when said sale was made, and when said sum came into his hands as such guardian, in lieu of said slave.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved 23d December, 1852.

An act to incorporate the town of Searcy.

SECTION

1. Officers to consist of one alderman and five councilmen.
3. Said town a body politic and corporate by the name of "the corporation of the town of Searcy," and by that name to possess powers usually granted to like corporations.
4. Officers elected annually, on 1st Monday of January.
5. Alderman and council, within 10 days after election, to take oath to discharge their duties.
6. Alderman and council styled "town council;" sittings public; alderman presiding.
7. A majority of council to decide questions, alderman to give casting vote when a tie.
8. Alderman of said town the executive thereof, and his duties defined.
9. Council to make and enforce rules

SECTION

- to preserve health; for this purpose their jurisdiction co-extensive with limits of said town.
10. Council to fix metes and bounds of said town, with streets and alleys, and cause a plat thereof to be recorded in the office of the clerk of the county court.
11. Council to make ordinances and by-laws for suppression of vice and immorality, and to enforce same by fine not exceeding \$50, and imprisonment not more than three months; fines appropriated to benefit of said town.
12. General powers of council in relation to levying and collecting taxes in limits of said town. To appoint assessor, constable, overseer of streets, night watch, &c. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the male inhabitants of the town of Searcy, of the age of twenty-one years, and upwards, shall be deemed citizens thereof, and shall enjoy all the rights and privileges arising from this act.

That the officers of the town of Searcy shall consist of one alderman and a council, composed of five members, and such other officers as may be deemed necessary by the alderman and council, to carry into effect the provisions of this act.

SEC. 3. That the said town of Searcy shall be a body politic and corporate by the name and style of "the corporation of the town of Searcy," and by that name the alderman and town council are hereby made capable in law to have, take, purchase, receive, possess, enjoy and retain, to themselves and their successors in office, lands, tenements, hereditaments, goods, chattels and effects, of any kind whatsoever, and the same to sell, grant, devise and convey, to sue and be sued, plead and be impleaded, in all courts of law or equity, and also to have and use a common seal of their incorporation.

SEC. 4. That the said officers shall be elected annually, on the first Monday of January, by the qualified voters thereof.

SEC. 5. That it shall be the duty of the alderman and council elected under the provisions of this act, within ten days thereafter to take an oath before some justice of the peace, faithfully to discharge the duties of the offices to which they were elected.

SEC. 6. That the alderman and council, elected according to the provision of this act, shall be denominated the "Town Council," the sittings of which shall be public, the alderman presiding, and governed by such rules as may be prescribed by said town council.

SEC. 7. That a majority of said town council, shall decide all

questions before them, and in case of a tie, the alderman shall give the casting vote.

SEC. 8. That the alderman of said town of Searcy shall constitute the executive thereof. He shall be conservator of the peace within the limits of said town, and he is hereby authorized, and empowered, and required, to do and execute all those matters and things which a justice of a peace for the state may lawfully do, and he shall have the custody of the common seal, power to affix the same, and be required to execute the laws of said corporation.

SEC. 9. That the said town council, shall have power to make and enforce such rules as may be deemed necessary to preserve the health of said town, and for that purpose their jurisdiction shall be co-extensive with the boundaries of said town, and they shall have power to create a board of health, with such powers as may be conferred for that purpose.

SEC. 10. The town council shall have power to fix the metes and bounds of said town, and have the same laid out in streets, and alleys, and cross streets, except the portions thereof which are already laid out, and cause a plat of the survey of said town to be recorded in the office of the clerk of the county court of White county, within six months after the passage of this act.

SEC. 11. The said town council shall have power to make such ordinances and by-laws as they may deem proper for the suppression of vice and immorality, and to enforce the same by fine and imprisonment, of any sum not exceeding fifty dollars, nor more than three months imprisonment, according to the nature of the offence, and all fines, when collected, to be appropriated to the benefit of the said town, in such manner as shall be prescribed thereby.

SEC. 12. That it may be lawful for the said town council to levy and collect a tax on all property, both real and personal, within said town, and may tax the venders of spirituous liquors by retail, for the privilege of selling the same, and if any person or persons neglect or refuse to pay any such tax or fine that may be levied or imposed by said town council shall give judgment against such person or persons so neglecting or refusing to pay such tax or fines as aforesaid, and shall thereupon issue execution for the amount of such judgments and costs which shall be levied on the personal property of said defendant within the limits of said corporation, and advertise the same at least ten days before the day of sale by three advertisements, put up in said town, and proceed to sell the same to the highest bidder, unless the said judgments and costs be paid before the day of sale thereof; *Provided*, That no tax shall be levied which shall exceed the rate per centum levied and assessed by the county court, for county purposes. That the alderman and council shall have power to appoint an assessor, town constable, overseer of the streets, and night-watch, with power to carry into effect and execute the ordinances of said council, and that this act shall take in full force from and after the passage of the same.

Approved 24th December, 1852.

An act for the relief of the securities of James M. Bowden, as Collector of Revenue for White County, for the year 1851.

SECTION

1. Releases the securities of James M. Bowden from the payment of any penalty, on account of the indebtedness of said Bowden, to the state, for revenue of White county for 1851.

SECTION

2. Auditor to cause to be dismissed in White county circuit court, any proceedings against said Bowden and securities, on account of said revenue due.

3. This act in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Thomas J. Rogers, John F. Black and James T. McDaniel, be, and they are hereby released from the payment of any penalty or other charge which the State of Arkansas may have against them on account of the indebtedness of James M. Bowden to the State of Arkansas, for the revenue of White county, for the year 1851; and that the payment by them made shall be in full satisfaction of the amount of state revenue due from White county for the year 1851.

SEC. 2. *Be it further enacted,* That the auditor of public accounts of the State of Arkansas, be, and he is hereby directed to cause to be dismissed forthwith any proceedings now pending in the circuit court of White county Arkansas, against the said James M. Bowden, and his securities, on account of revenue due the state from them for the year 1851, by the defendants paying all costs of suit.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Approved 24th December, 1852.

An act for the relief of James Penny, late Sheriff of Sevier County.

SECTION

1. Two years granted to James Penny, late sheriff of Sevier county to collect arrearages of taxes in said

SECTION

county, for 1848, '49 and '50; act in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That James Penny late sheriff of Sevier county, be, and he is hereby granted the term of two years to collect the arrearage taxes due him as such sheriff by the citizens of Sevier county, for the years 1848, '49 and '50; and that this act take effect and be in force from and after its passage.

Approved 24th December, 1852.

An act to call in the Scrip of Monroe County.

SECTION.

1. Scrip and treasury warrants issued previous to 1st day of January,

SECTION.

1853, by clerk of county court, shall be presented to said clerk by

SECTION

1st day of January, 1854, who shall issue to holder same amount of scrip or warrants, with interest, and file in his office the scrip and warrants thus called in, and lay the same before county court at January term, 1854.

2. Persons holding scrip or warrants, refusing to comply with above provisions, forever barred from benefit of their claims, and the county from payment of same.

SECTION.

3. Clerk to open new account in his registry of scrip and warrants issued on 1st Monday of Jan. 1853, and number each warrant or scrip.

4. Clerk allowed same compensation for re-issuing warrants as in similar cases.

5. Sheriff to give notice of provisions of this act, by putting up advertisement in each township, by 1st of January, 1853; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the county scrip and treasury warrants that may have been issued previous to the first day of January, 1853, by the clerk of the county court of Monroe county, shall be presented to the clerk of said county court, on or before the first day of January, A. D. 1854; whose duty it shall be to issue to the holders thereof, the same amount of warrants on the treasury of Monroe county, and file in his office the scrip and treasury warrants thus taken up and called in, and lay the same before the county court of said county, at the term thereof, to be held next after the first day of January, A. D. 1854, for inspection and cancellation.

SEC. 2. *Be it further enacted,* That persons who shall hold any scrip or treasury warrants, of said county of Monroe, and neglect or refuse to present the same to the clerk thereof, as required in the preceeding section of this act, shall be forever barred from deriving any benefit from their claims.

SEC. 3. That it shall be the duty of the clerk of said county court of Monroe county, to open a new account in his register of warrants and scrip, issued on the first day of January, A. D. 1853, in which he shall state the date, number, and amount of each warrant thereafter issued, so as to enable the county court at the term to be held next after the 1st Monday in January, 1854, to ascertain the precise amounts of warrants or scrip then outstanding.

SEC. 4. *Be it further enacted,* That it shall be the duty of the sheriff of Monroe county, to give notice of the provisions of this act, by putting up at least one advertisement in the most public place in each township in the said county of Monroe, on or before the first day of January A. D. 1853.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its passage.

Approved 24th December, 1852.

An act for the relief of the heirs of David Delaney deceased.

SECTION.

1. Treasurer to pay John Delaney
\$460,54. Act in force from its pas-

SECTION.

sage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the treasurer of the State of Arkansas, be, and he is hereby directed to pay to John Delaney the sum of four hundred and sixty dollars and fifty-four cents, being the amount paid into the treasury by the administrator of said David Delaney, as an escheat. That this act shall be in force from and after its passage.

Approved 24th December, 1852.

An act to repeal the thirteenth section of an act entitled "an act to Incorporate the Town of Ozark," approved December 17th, 1850.

SECTION

1. Repeals sec. 13, of the act to incorporate the town of Ozark, approved

SECTION

17th Dec. 1850. Act in from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the thirteenth section of the above recited act, be, and the same is hereby repealed; and this act take effect and be in force from and after its passage.

Approved 27th December, 1852.

An act to grant a Charter to Isaac Gray, for the purpose of erecting a bridge across Cache River, on the road leading from Augusta, in Jackson County, to Memphis; and to make a Turnpike road across the bottom near said river.

SECTION

1. Grants a charter to Isaac Gray to build a turnpike, plank or causeway across Cache river bottom, in Jackson county, and to erect a bridge.
2. Road and bridge to be completed in three years.
3. Road and bridge to be kept in good repair; under penalties inflicted for delinquency in ferries, provided, in case of sudden rise or freshets doing damage, 30 days for repair allowed;

SECTION

road finished, three commissioners to be appointed by county court, to report its condition.
4. Rates of toll.
5. No road or bridge shall be laid out or built within four miles of said road, after same is surveyed; charter extends for 25 years.
6. Main river bridged, toll may be charged at two-thirds the above rates.
7. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That Isaac Gray, of the county of Jackson, and State of Arkansas, be, and he is hereby granted a charter to build, make, erect and establish a good and substantial turnpike, plank, or causeway road through the Cache river bottom, in Jackson county Arkansas; and also, to erect a bridge of such construction as shall enable passengers to cross at any time, at or near the crossing of said river, near the main road leading from Augusta, in Jackson county Arkansas, to Memphis, in the State of Tennessee.

SEC. 2. *Be it further enacted*, That said road and bridge shall be completed within three years from and after the passage of this act.

SEC. 3. *Be it further enacted*, That the said Isaac Gray, his heirs or assigns, after the completion of said road and bridge, shall keep said road and bridge in good order and repair, or suffer the penalties now inflicted on persons delinquent in cases of keeping ferries; *Provided*, That in cases of accident, or sudden rises, or freshets, the road or bridge may be materially damaged, he shall be allowed thirty days to repair the same; that whenever the said road shall be completed, three commissioners shall be appointed by the county court of Jackson county, to report the condition thereof.

SEC. 4. *Be it further enacted*, That the said Isaac Gray, his heirs, or assigns, shall have the right to collect and receive of, and from all, and every person or persons, using said road, or crossing on said bridge, the tolls hereinafter mentioned, to wit: for each four horse, or ox wagon team, and driver, the sum of one dollar; for each two horse or ox wagon, or carriage, the sum of fifty cents; for each man and horse fifteen cents; for each loose horse, mule, jack, or jennett, five cents; all cattle, three cents; for hogs and sheep, two cents each; for each one horse carriage, thirty cents.

SEC. 5. *Be it further enacted*, That no public road or highway shall be laid out, nor shall any bridge be chartered within four miles of said road, after the same shall have been surveyed or marked out; and this charter is hereby granted for the term of twenty-five years.

SEC. 6. *Be it further enacted*, That the said Isaac Gray shall have the privilege of charging toll at the rates of two-thirds of the above named prices, as soon as the main river is bridged.

SEC. 7. *And be it further enacted*, That this act take effect from and after its passage.

Approved 29th December, 1852.

An act for the relief of the Representatives of Redrick Kelley.

SECTION

1. Redick Kelley, having paid into treasury \$580, and the same, by mis-

SECTION

take credited on wrong bonds, the auditor and treasurer being satisfied

SECTION.

of said mistake, to make the proper correction.

SECTION

2. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That, whereas, it is alleged and claimed that Redrick Kelley, in his life-time, paid into the state treasury the sum of five hundred and eighty dollars, on account of the 500,000 acres grant upon lands for which he was liable, but which sum, by mistake, was credited on certain bonds of A. West; *Be it therefore enacted,* That the state treasurer and Auditor, upon satisfactory proof being produced to them of such mistake, be and are hereby authorized to correct said mistake, and transfer the credit to the proper bonds, as intended when the same was paid by said Kelley.

SEC. 2. That this act be in force from and after its passage.

Approved 29th December, 1852.

An act to Incorporate the Town of Dover, in Pope County.

SECTION.

1. Incorporates the town of Dover, in Pope county, and defines its limits.
2. Officers, an alderman, five councilmen and a constable, elected by citizens of said corporation, and hold office one year, alderman and council each year to appoint a recorder, and fix his fees.
3. No one shall vote or hold office who does not possess qualifications to vote for members of the General Assembly.
4. Town styled "Corporation of the town of Dover," alderman to preside at meetings of council, and vote only in case of a tie.
5. An election for alderman, five councilmen and constable, to be held 1st Monday in Feb. 1853, to hold office till 1st Monday in Jan. 1854; all subsequent elections 1st Monday in Jan. annually; returns of election for alderman to be made to clerk of circuit court, who shall certify same to the governor.
6. All officers to take oath to discharge their duties faithfully. Constable and recorder to give bond and security.
7. Alderman and council a body politic and corporate, with perpetual succession.
8. Council to make rules and regulations, by-laws, &c., for government of corporation.

SECTION.

9. Alderman executive of said town, his powers co-equal with a justice of the peace.
10. Fines for breach of the peace, or ordinances of said town, to be made of property in limits of said town, upon execution issued by alderman, and levy and sale by constable, unless defendant, before day of sale, pay fine and all costs.
11. Council to erect market house, and regulate markets, and further general powers defined.
12. Constable ex-officio assessor and collector of taxes, and recorder treasurer.
13. Council have exclusive right of granting licenses for dram shops, &c.
14. Vacancies in office of alderman filled by special election, in councilmen, by remaining councilmen; in constable and recorder, by council.
15. Recorder to record proceedings of said council.
16. Citizens of corporation exempt from the road duty beyond limits of corporation.
17. Council to appoint street overseer; his duties defined.
18. Alderman and three councilmen a quorum to do business.
19. Corporation not to issue tickets to circulate as currency, under penalty of forfeiture of charter.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the town of Doyer, in the county of Pope, in the State of Arkansas, extending one-half mile north, one-half mile south, one-half mile east, and one-half mile west, from the court house, be, and the same is hereby incorporated.

SEC. 2. That the officers of said town shall consist of one alderman, and five councilmen, and one town constable, who shall be elected by the qualified voters residing within the limits of said corporation, and the officers when so chosen, shall hold their offices for the term of one year and until their successors are elected and qualified. Said alderman shall be commissioned by the governor. At the first meeting of the alderman and councilmen after their qualification, each year, they shall appoint a recorder for said corporation, who shall receive such compensation as shall be fixed by the alderman and council of said town.

SEC. 3. That no person shall vote at any election held for the election of alderman, or councilmen, in said town, nor shall any person hold any of the offices herein created, who shall not reside within the limits of said corporation, and possess the requisite qualifications to entitle them to vote for members of the General Assembly.

SEC. 4. That said town shall be styled the "Corporation of the town of Dover," and the alderman and councilmen, the Town Council. At all meetings of the town council the alderman shall preside, but shall not vote unless there be a tie, when he shall give the casting vote.

SEC. 5. That on the second Monday in February, 1853, there shall be an election held in said town, for the election of an alderman, five councilmen, and one town constable, who shall hold their offices until the first Monday in January, 1854, and until their successors are elected and qualified; and all elections for officers of said town shall (after the one to be holden in February, 1853) be holden on the first Monday of January, annually, and shall be governed and conducted as the law directs, for governing general elections within this state. The returns of the election for alderman of said town shall be made to the clerk of the circuit court of Pope county, who shall certify the same to the governor.

SEC. 6. That all officers authorized to be elected or appointed under this act, shall, before they enter upon the discharge of their duties, take an oath before some person authorized to administer oaths, to support the constitution of the United States and of the State of Arkansas, and to faithfully demean themselves in office. The constable and recorder shall give bond and security in such sums as the town council may prescribe, conditioned for the faithful performance of their duties, and that they will account for all moneys that may come to their hands, belonging to such corporation.

SEC. 7. That the alderman and council elected, and qualified as aforesaid, shall be a body politic and corporate, in deed and in fact,

with perpetual succession, and they, and their successors in office shall be able, in law and equity, to have, purchase, receive, possess, and enjoy, lands, tenements, hereditaments, franchises, jurisdictions, goods and chattles, and to grant, bargain, sell and convey the same; to sue and to be sued, plead and be impleaded, in any court of justice whatever; and to make and use a common seal, and the same to alter or renew at pleasure.

SEC. 8. That said town council shall have power to make such rules, regulations, or ordinances, and by-laws, for the good government of said corporation, as they may deem expedient; *Provided*, Such rules, regulations, ordinances, and by-laws are not repugnant to the constitution and laws of this state or of the United States.

SEC. 9. That the alderman of said town shall be the executive thereof; he shall be a conservator of the peace, within the limits of said corporation, and shall have the same powers and jurisdiction within the limits of said corporation, that justices of the peace have by the laws of this state, within their respective townships; appeals shall be from his judgments to the circuit court of Pope county. He shall examine all persons charged with a violation of any of the ordinances or by-laws of said corporation, and fine, imprison or discharge such persons. He shall have power to issue subpoenas to compel the attendance of witnesses to any part of the county of Pope, and the town constable shall have the right to serve the same.

SEC. 10. That all fines assessed for breaches of the peace, or violations of any of the by-laws, or ordinances of said corporation, shall be made of the property of the defendant within the limits of such corporation, and for the enforcement of the collection of such fines, the alderman shall issue execution, and the constable shall levy the same on the personal property of the defendant, found within the corporate limits of said town, and sell the same by giving ten days' notice of the time and place of such sale, by three advertisements put up in said town, unless the defendant shall, before the day of such sale, pay such judgment, rendered for such fine, and all costs of suit.

SEC. 11. That said town council shall have power to erect a market house, and regulate the markets, to prevent, define, and remove nuisances; to restrain and prohibit gaming and disorderly houses; to establish patrols, and prevent the improper assembling of slaves; to cause the streets and alleys in said town to be opened, and new ones laid out when necessary, and keep the same in good repair; to provide for the paving of side-walks; the prevention and extinguishment of fires; to levy and collect taxes on all property within the limits of said corporation, both real, personal and mixed; *Provided*, That none other than an ad-valorem tax shall be levied and collected; *And, provided further*, That no levy shall be made exceeding one-half of one per centum on the assessed value of such property.

SEC. 12. That the town constable be ex-officio assessor and collector of taxes, within the limits of said corporation; and the recorder shall be ex-officio treasurer of the same.

SEC. 13. That said town council shall have the exclusive right of granting licenses for dram shops, exhibitions, and shows, within the limits of said corporation, and to fix the rates thereof.

SEC. 14. That all vacancies in the office of alderman shall be filled by special election, to be holden upon ten days' notice; that all vacancies in the office of councilman shall be filled by the remaining councilmen, and all vacancies in the office of recorder or constable shall be filled by the town council, all of whom shall hold their offices until their successors are elected or appointed, and qualified.

SEC. 15. That the recorder shall keep a record of the proceedings of said town council, and publish all ordinances of said council by posting up a certified copy thereof, upon the court house door within three days from their approval by said town council.

SEC. 16. That all persons residing within the limits of said corporation, liable to perform road duty, be, and they are hereby exempt from the performance of such duties beyond the corporation limits of said town.

SEC. 17. That said town council shall appoint an overseer of streets, who may require all persons liable to work roads within the limits of said corporation, to work the same number of days, and under the same rules and regulations as now provided by law, except delinquents shall be returned to, and fined by the alderman, and such fine paid into the treasury of such corporation.

SEC. 18. That the alderman and three members of the council shall be a quorum to transact business at any meeting of said town council.

SEC. 19. Said corporation shall not issue change tickets, intended to circulate as currency. A violation of this section shall work a forfeiture of this charter.

Approved 31st December, 1852.

An act to authorize Thomas J. Evans, and William A. Ball, their heirs or assigns to establish and keep ferry across the Mississippi river, at or near Helena.

SECTION

1. Authorizes Thos. J. Evans and Wm. A. Ball, their heirs or assigns, to establish and keep a ferry across the Mississippi river, at or near Helena, for the term of 10 years from passage of this act, provided they own in fee or obtain right of way,

SECTION

- to enable them to land their boats without detriment to others.
2. Said Evans and Ball, their heirs or assigns, to place on said ferry good and substantial ferry boats, and keep the same in readiness for transportation of persons and property

SECTION

across said river.

3. Rates of ferriage from Arkansas shore to be fixed by county court of Phillips county; from Mississippi shore by board of police of Coahoma county, in Mississippi.
4. Said Evans and Ball, to pay to said Phillips county a sum not less than \$15 annually as a license, and give bond to the State of Arkansas in not less than \$500, for performance of the requirements of this act.
5. Prohibits county court of Phillips from licensing any other ferry for

SECTION

- one mile above, and one mile below corporate limits of Helena, for the term of 10 years from passage of this act.
6. Failing to comply with this act within one year from date of passage, act null and void.
7. Act not to restrict town of Helena from regulating conduct of said ferry, within limits of said town or imposing fine or bonus, for use of her streets, &c.
8. Act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Thomas J. Evans and William A. Ball, their heirs and assigns, be, and they are hereby authorized to establish, and keep and maintain a ferry across the Mississippi river, from Helena, in Phillips county, to a place known as the Elizabeth Jeffries' (formerly the Weather's) place, in the county of Coahoma, in the State of Mississippi, and the privilege of keeping said ferry is hereby granted and confirmed to the said Thomas J. Evans, and William A. Ball, their heirs or assigns, for and during the term of ten years from the passage of this act; *Provided, however,* That the said Thomas J. Evans, and William A. Ball, their heirs or assigns, shall be owner in fee, or else shall have the right of way to and from the point at which they may establish and keep their said ferry; and with that view and to that end they are hereby required to purchase and have conveyed to them, or one of them, the title, or right of way to a sufficient quantity of land or grounds, to enable them to land their boats, crafts, passengers, vehicles, goods and chattels, without, in any wise, encroaching upon the premises of any one else, the streets, alleys, highways, or public grounds of said town of Helena; *Provided further,* That the privileges and immunities hereby granted to, and conferred upon said Evans and Ball, shall in no wise interfere with, or impair the privileges and rights vested in any one else by the laws now in force.

SEC. 2. *Be it further enacted,* That the said Evans, and the said Ball, their heirs, or assigns, shall place upon said ferry a good and substantial ferry boat, to be propelled or driven by steam, horse or hand power, sufficient for the convenient and safe transportation of persons and property across the Mississippi river and shall at all times keep in repair and readiness such boat (excepting only such times as may be necessary for repairing the same) for the transportation of persons and property across said river, between the points aforesaid, at all times of the day, between sunrise and sunset, Sundays excepted.

SEC. 3. *Be it further enacted,* That the said Evans and Ball their heirs or assigns, shall be entitled to demand and receive such rates of toll or ferriage, for the transportation of persons or property,

across said river, between the points aforesaid, as the county court of Phillips county, and the board of police in the county of Coahoma, in the State of Mississippi, shall respectively, from time to time, establish; that is to say, the rate of toll or ferriage from the Arkansas side, or shore of said river, to be established by said county court of Phillips county, and the rate of toll or ferriage from the Mississippi shore, to be established by said board of police of said county of Coahoma, in the State of Mississippi.

SEC. 4. *Be it further enacted,* That the said Evans and the said Ball shall annually pay as a bonus, or license, into the treasury of the said county of Phillips, a sum not less than fifteen dollars to be fixed and determined by the county court of said county of Phillips, and shall annually execute a bond to the State of Arkansas, in the penal sum of not less than five hundred dollars, to be determined by the said county court of Phillips county, with at least two good and solvent securities, conditioned for the faithful performance by the said parties, or their heirs, of the requirements of this act; which said bond may be put in suit from time to time, by any person or persons aggrieved, in the name of the obligee therein, for the use of such aggrieved person or persons, until the whole penalty of such bond shall be exhausted.

SEC. 5. *Be it further enacted,* That the county court of Phillips county, are hereby prohibited from licensing or establishing any other ferry for the transportation of persons or property across the Mississippi river, from any point within one mile above or below the corporate limits of said town of Helena, for the term of ten years after the passage of this act.

SEC. 6. *Be it further enacted,* That if the said Evans and the said Ball, their heirs or assigns, shall refuse or neglect to comply with the provisions of this act for one year from the date of its passage, then this act shall be null and void.

SEC. 7. *Be it further enacted,* That this act is not designed or intended to restrict or prohibit the the town of Helena, in anywise from regulating the conduct of said ferry, or its management within the limits of said town, or from the imposition of any fine, duty, or bonus, for the privilege of using her streets, alleys, public grounds or wharfs.

SEC. 8. *Be it further enacted,* This act shall be in force from and after its passage.

Approved 31st December, 1852.

An act to amend an act entitled "an act for the relief of the Counties of Polk and Perry, approved December 31st, 1850."

SECTION

1. Moneys arising from estrays, and

SECTION

estrays bonds, in Polk, Van Buren

SECTION

and Green counties, be paid into county treasury at its equivalent in par funds.

SECTION.

2. Laws in conflict with this act repealed; act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the funds arising from estrays and estray bonds, within Polk, Van Buren, and Green counties, be paid into the county treasury at its equivalent in par funds.

SEC. 2. *Be it further enacted,* That all laws in conflict with this act, be, and the same are hereby repealed; and this act shall take effect and be in force from its passage.

Approved 31st December, 1852.

An act to legalize the Will and Testament of Mary Harris deceased.

SECTION

1. Directs probate court of Monroe county to take the probate of a certain instrument of writing, purporting to be the last will and testament of Mary Harris, dec'd, late of said county, in like manner as other wills and testaments.
2. Said will proved and established before said court, clerk to record same in register of wills and testaments.
3. Said will established, the letters of administration granted to F. O. Harris, on said estate, abrogated; provided said Harris shall qualify

SECTION

- as executor, under said will; and that said Harris and his sureties on his administrator's bond not affected by this act until released by order of probate court of said county.
4. After said Harris shall have settled with probate court, according to sec. 3d of this act, said court may make order for allowing him to keep possession of said estate, under provisions of said will, and be chargeable only as executor.
5. Act to take effect and be in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the probate court of Monroe county is hereby authorized and directed to take the probate of a certain paper writing, purporting to be the last will and testament of Mary Harris, deceased, late of said county, bearing date the 27th day of March, A. D. 1852, in the same manner and with the like effect as wills and testaments are now admitted to probate in this state, by and under laws now in force.

SEC. 2. *Be it further enacted,* That if such will of the said Mary Harris, deceased, should be proven and established before said court, as the last will and testament of the said Mary Harris, then, and in that case, it shall be lawful, and it is hereby made the duty of said court to enter up an order upon the records of said court to that effect, and the same shall forthwith be recorded by the clerk of said court, with the proof taken in support thereof, in the register of wills and testaments in his said county.

SEC. 3. *Be it further enacted,* That in case said paper, purporting to be the last will and testament of the said Mary Harris, de-

ceased, shall be established as such, then, and in that case the letters of administration granted by the probate court of said county of Monroe, to William F. O. Harris, late of said county, under date of the 5th day of May, A. D. 1852, on the estate of the said Mary Harris, shall be deemed taken, considered and held as abrogated and cancelled; *Provided*, The said William F. O. Harris shall proceed without delay to qualify as executor under said will and comply with all the reasonable and proper orders of such probate court, made in relation thereto under the existing laws of this state; *And provided further*, That the said William F. O. Harris, and his sureties on his administrator's bond, shall not be affected by this act until they shall be released by an order of the probate court of said county of Monroe, after the said William F. O. Harris, shall have fully settled and accounted with said court for his administration of said estate.

SEC. 4. *Be it further enacted*, That after the said William F. O. Harris shall have settled and accounted with the said probate court of Monroe county, in the manner prescribed by the third section of this act, then the said probate court may make an order allowing him, the said William F. O. Harris, to keep and retain the possession of the unadministered assets of said estate, under the terms and provisions of the will of the said Mary Harris, deceased, in case the same shall be established as such in the manner aforesaid, and from that time forward, he, the said William F. O. Harris shall be only chargeable as such executor, for the management and conduct of such property.

SEC. 5. *And Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 31st December, 1852.

An act to legitimize the marriage of Henry Derikuis with Martha Wynne, late of Mississippi County.

SECTION.

1. Legalizes the marriage of Henry Derikuis and Martha Wynne, of Mississippi county.

SECTION.

2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the marriage heretofore contracted by and between Henry Derikuis and and Martha Wynne, late of Mississippi county, in this state, on the twenty-ninth of September 1844, is in all things confirmed and made valid, notwithstanding any irregularity, or omission on the part of the parties to such contract, or the officer who may have performed the marriage rites between them, as fully, effectually, and completely as if the same had been

entered into and performed in accordance with the law then in force, and that the issue and children of said marriage are hereby declared to be legitimate to all intents and purposes, as if no irregularity, or informality had occurred therein, any law, usage or custom to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 1st January, 1853.

An act to authorize William Anderson to convey certain Real Estate.

SECTION

1. Authorizes Wm. Anderson to convey by deed, in fee simple, lot No. 5, in block No. 48; provided said Anderson, before such conveyance, file in office of clerk of probate court

SECTION

of Clark county, a bond in penalty of \$500, for the use of the heirs of Nathan Davis, deceased, conditioned to only sell on a par equivalent, and account to said heirs for same

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That William Anderson is hereby empowered to convey lot No. five, in block number forty-eight, by deed in fee simple; *Provided*, that before he executes said conveyance, he shall execute and file in the office of the clerk of the probate court of Clark county, a bond in the penalty of five hundred dollars, payable to the State of Arkansas, for the use of the minor heirs of Nathan Davis, deceased, to be void, upon condition said Anderson shall only sell said land, upon receiving a full and fair equivalent, and shall fully account to said heirs or their representatives, for the amount so received.

Approved 3d January, 1853.

An act to authorize Benjamin F. Owen, Guardian of Mary Louisa Owen, to sell certain real estate, in the County of Saline.

SECTION

1. Authorizes B. F. Owen, Guardian of Mary Louisa Owen, to sell certain real estate, belonging to said Mary Louisa Owen, and make warranty

SECTION.

deed therefor.

2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Benjamin F. Owen, guardian of Mary Louisa Owen, be, and he is hereby authorized to sell at private sale all the real estate belonging to Mary Louisa Owen, a minor, situated in

the county of Saline, in this state, and make good warranty deed or deeds therefor.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 3d January, 1853.

An act to exempt the property of Pinckney Anderson from Taxation.

SECTION

1. Exempts the real, personal and mixed property, not exceeding \$500, of Pinckney Anderson, of Benton county, from taxation for revenue

SECTION

purposes.
2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all the property, real, personal, and mixed, not exceeding in value, the sum of five hundred dollars, of Pinckney Anderson, of Benton county, in the State of Arkansas, be, and the same is hereby exempted from state and county taxation for revenue purposes.

SEC. 2. *Be it further enacted*, That this act shall take effect from after its passage.

Approved 3d January, 1853.

An act for the relief of John S. Winton, Sheriff and Collector of Revenue of Polk County.

SECTION.

1. When John S. Winton sheriff of Polk county, shall pay into treasury \$7,39 and file treasurers receipt for same, in auditor's office, auditor to

SECTION.

remit penalty against said sheriff.
2. Act to take effect and be in force from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That when John S. Winton, sheriff and ex-officio collector of revenue for Polk county, for the year 1851, shall pay into the treasury the sum of seven dollars and thirty-nine cents, and file the treasurer's receipt in the auditor's office for the same, that the auditor of public accounts be, and he is hereby directed to remit all penalties and forfeitures now appending on his book against the said John S. Winton, and give him his quietus, as if he had settled, for the revenue of said county on or before the tenth day of December, 1851.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 3d January, 1853.

An act for the relief of Green B. Hughes, of Saline County.

SECTION

1. Attorney or officer of State Bank to stay execution for 12 months upon judgments against G. B. Hughes, upon his giving deed of trust suffi-

SECTION

cient to secure debts.
2. Act to take effect and be in force from and after passage.

WHEREAS, The Bank of the State of Arkansas has recovered against Green B. Hughes, several judgments in the Pulaski circuit court, principally on account of his securityship for others; And whereas, said Hughes has been struggling to pay said judgments, but finds it impossible, with all his industry, to pay them without a sacrifice of his property; And whereas, He is willing to make said judgments secure beyond a doubt, in order to get a short indulgence upon them; Now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the attorney, or officer of the Bank, having control of said judgments, be directed and required to stay execution upon said judgments against said Hughes, for twelve months, on his executing to the bank a deed of trust upon lands, or slaves, of sufficient value, in the opinion of the governor of the state, to make the debts perfectly secure, conditioned, that he will discharge said judgments at the expiration of such stay of execution.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 3d January, 1853.

An act to constitute Louisa Americus Taylor, an heir and legal representative of James C. Glennin.

SECTION

1. Constitutes Louisa Americus Taylor a legal heir of James C. Glennin,

SECTION

of Drew county.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Louisa Americus Taylor, the adopted daughter of James C. Glennin, of Drew county, be, and she is hereby constituted an heir and legal representative of the said James C. Glennin.

Approved 3d January, 1853.

An act to Incorporate the Washington Temple of Honor, No. 3,
in Monticello.

SECTION

1. Declares Washington Temple of Honor, in Monticello, Drew county, a body politic and corporate, by name and style of Washington Temple of Honor, No. 3, of Monticello, with perpetual succession of officers and members.
2. Defines powers and privileges of said

SECTION

- corporation.
3. Said corporation capable in law, to have, hold, receive and possess estates, real, personal, moneys, goods, &c., and dispose of same for benefit of corporation.
4. Act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That W. E. Owens, chief templar of the Washington Temple of Honor, No. 3, in the town of Monticello, in Drew county, and his successors in office, be, and the same is hereby declared a body politic and corporate, in name and in deed, by the name and style of the Washington Temple of Honor, No. 3, of Monticello, in the county of Drew, and by that name shall have a perpetual succession of officers and members, and a common seal, with power to change, alter and make new the same, as often as the said corporation shall judge expedient.

SEC. 2. *Be it further enacted*, That the said corporation shall be able and capable, in law, to purchase, hold, enjoy, and retain to itself, for any term of years, any lands, tenements or hereditaments, of what kind or nature soever, and to sell, exchange, or lease the same, or any part thereof, as the said corporation may think proper, and by the same name to sue and be sued, to plead and be impleaded, answer and be answered unto, in any court of law or equity in this state, and the said corporation shall have power to make such rules and by-laws, not in conflict with the constitution and laws of this state, as may be deemed necessary for the good government thereof.

SEC. 3. *Be it further enacted*, That said corporation shall be capable in law, to have, hold, and receive, possess and enjoy, all such estates, real and personal, moneys, goods, chattles and effects, which may be granted, devised, or bequeathed, by whatsoever name such gift, grant, devise or bequest shall be made, and to receive subscriptions, and other contributions, and to appropriate the same for the benefit of said corporation, in such manner as may be determined by the same.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 3d January, 1853.

An act to change the name of Mary Boyd to the name of Mary Olivia Hansbury.

SECTION

1. Changes name of Mary Boyd to Mary Oliva Hansbury.
2. Constitutes said Mary Boyd, now Hansbury, a legal heir of Mary C.

SECTION

- Hansbury.
3. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the name of Mary Boyd, the adopted daughter of Mary C. Hansbury, now living in the county of Pulaski, and State of Arkansas, be, and the same is hereby changed to the name of Mary Olivia Hansbury.

SEC. 2. *Be it further enacted*, That the said Mary Boyd, now Mary Olivia Hansbury, be, and she is hereby constituted a legal heir to the estate of the aforesaid Mary C. Hansbury, to all intents and purposes, as she would be if she were her own legitimate offspring.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 3d January, 1853.

An act for the relief of William Peveyhouse, Sheriff and Collector of Green County.

SECTION

1. If Wm. Peveyhouse, sheriff of Green county, pay into treasury amount of revenue of Green county, for 1852, by 10th Jan. 1853, auditor to

SECTION.

give him discharge from all fines arising from failure to pay said revenue.

WHEREAS, William Peveyhouse, sheriff of Green county, has been of opinion that the 1st day of January, in each and every year, was the day appointed by law for sheriffs to make final settlement with the State, on account of revenue; And whereas, He has, on this account failed to pay the revenue of his said county of Green into the Treasury of this State; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That if the said William Peveyhouse do pay, or cause to be paid into the treasury of this state, the whole amount of revenue of Green county, for the year A. D. 1852, by the tenth day of January, 1853, then, and in that case, it shall be lawful for the auditor to give the said William Peveyhouse a discharge from all fines, or forfeitures, arising from the failure of said Peveyhouse to pay into the state treasury the revenue of Green county.

Approved 4th January, 1853.

An act to Incorporate the Male and Female Academies at Monticello.

SECTION.

1. Establishes a male and a female academy at Monticello, Drew county.
2. Five trustees to take charge of said academies, and a majority a quorum.
3. Names trustees for said academies.
4. Trustees of each academy a body politic in deed and in law, and they and their successors have perpetual succession, and capable of receiving real and personal estate in fee simple or for life, or years; provided amount of said property shall

SECTION

- not exceed \$2,000 to each academy, inclusive of buildings library, &c.
5. Each board of trustees to elect a president, and fill vacancies.
6. Trustees' powers and privileges defined.
7. Lands, buildings and other property of said academies, free from tax.
8. Act in force 50 years; each president to hold office one year.
9. Act a public one.
10. Each academy a separate corporate body.
11. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That two insitutions of learning be, and the same are hereby established at Monticello, in Drew county, to be denominated the Male and Female Academies.

SEC. 2. *Be it further enacted,* That five trustees are hereby authorized to take charge of each of said academies, and a majority of said trustees shall constitute a quorum to transact business.

SEC. 3. *Be it further enacted,* That the following persons be appointed trustees of said academies, to-wit: for the male academy, Hugh Rodgers, William E. Couley, Thomas J. Wells, J. N. Slemons, and M. A. Wilson; and for the female academy, William E. Couley, William H. Wells, Y. R. Royal, H. S. Hudspeth, and M. A. Wilson.

SEC. 4. *Be it further enacted,* That the trustees of each of the aforesaid academies, be, and they are hereby constituted a body politic in deed and in law, the one by the name of the President and Trustees of the Monticello Male Academy, the other, by the name of the President and Trustees of the Monticello Female Academy, and by those names they and their successors shall and may have perpetual succession, and be able and capable in law, to have, receive and enjoy, to them and their successors, lands, tenements and hereditaments, in any kind, in fee, or for life, or for years, and personal property of any kind whatsoever; *Provided,* That the amount of said property shall not at any time exceed two thousand dollars, to each academy, including buildings, library, and apparatus necessary to the institution.

SEC. 5. *Be it further enacted,* That each of the boards of trustees aforesaid, shall have power to elect a president, and fill vacancies which may happen, a majority being present.

SEC. 6. *Be it further enacted,* That the trustees of said academies may have a common seal, and by their aforesaid names, they and their successors, shall be able to sue and besued, to plead and be impleaded, in all courts of law or equity in this state, and to grant, bargain, and sell, or assign any lands, tenements, goods and

chattles, now belonging to said academies, or which may hereafter belong to the same, to contract for the erection of all necessary buildings, to have the management of the finances, and to do and act all things, for the benefit of said academies, in as ample a manner as any person, or body corporate, or politic, may or can do by law.

SEC. 7. *Be it further enacted*, That the lands, public buildings, and other property belonging to said academies, or that may hereafter belong to them, are hereby declared to be free from any public tax whatever.

SEC. 8. *Be it further enacted*, That this act shall remain in force for fifty years, subject to renewal by the legislature, and that each president shall hold his office for one year, and until his successor be elected, and that the first election for president shall take place on the first Saturday in February, 1853, or as soon thereafter as convenient.

SEC. 9. *Be it further enacted*, That this act shall be deemed a public one, and judicially taken notice of as such, without special pleading.

SEC. 10. *Be it further enacted*, That nothing in the above act shall be so construed, as to blend the above named academies together, but that each shall be a separate corporate body.

SEC. 11. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 4th January, 1853.

An act to adopt William Callison, and make him the legal heir of David G. Hughes.

SECTION

1. Constitutes Wm. Callison a legal heir of David G. Hughes, of Dallas county.

SECTION

2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That William Callison be, and he is hereby constituted a legal heir to the estate of David G. Hughes, of Dallas county, and State of Arkansas, to all intents and purposes, as he would be if he were the legitimate offspring of said David G. Hughes.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved 4th January, 1853.

An act for the relief of James H. May, Sheriff of Montgomery County.

SECTION

1. \$104 appropriated to pay Jas. H. May, sheriff of Montgomery county, for arresting a fugitive from justice.

SECTION

2. Auditor to draw warrant on treasurer for above sum.
3. This act to take effect and be in force from its passage.

SECTION. 1. *Be it enacted by the General Asssembly of the State of Arkansas,* That the sum of one hundred and four dollars be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay James H. May, sheriff of Montgomery county, for pursuing and arresting Hardy Wyatt, a fugitive from justice.

SEC. 2. *Be it further enacted,* That the auditor of public accounts be, and he is hereby authorized and required to draw his warrant on the treasurer for the sum above mentioned.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 4th January, 1853.

An act for the relief of William A. Neely, of Poinsett County, and to authorize him to sell certain Lands as Guardian, &c.

SECTION.

1. Empowers Wm. A. Neely of Poinsett county, to sell certain lands, and to convey the right and title of infant heirs of Chas. Neely, dec'd. provided said Neely, when sale is made, make out a statement thereof, and in 30 days file same in office of clerk of probate of said county, and said court to charge said Neely as guar-

SECTION.

- dian of Martha C. Neely, with one-third of the proceeds of said sale.
2. Said Neely to give deed for said lands when sold, said deed recorded and acknowledged, to be held in the courts of this state as conveying the right of said heirs in the lands.
3. This act a public act; and in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That William A. Neely, of Poinsett county, be, and he is hereby fully authorized and empowered to grant, bargain and sell the south-west quarter of section number twenty-eight, and the south-east quarter of section number twenty-nine, both in township number nine, north of range number four east of the fifth principal meridian, situate in said State of Arkansas, and by said sale to convey and communicate all the right and title of Martha C. and Oswell T. Neely, infant heirs at law of Charles Neely, deceased, of whom the said William A. Neely is the lawfully authorized and empowered guardian, duly appointed as such by the probate court of Poinsett county, in this State; *Provided,* The said William A. Neely, when such sale is made, shall make out

under oath a statement thereof, in which he shall set forth the name of the person or persons, who shall have purchased said lands, and the price for which the same was sold, and shall, within thirty days of such sale, file the same in the office of the clerk of the probate court of said county of Poinsett; *And provided further*, That such probate court of Poinsett county, shall, at the term thereof, next following the date of the filing of such statement as hereinbefore provided for, charge the said William A. Neely, as guardian of the said Martha C. Neely, with one-third part of the nett proceeds of the said sale, hereinbefore authorized to be made by him of the lands aforesaid.

SEC. 2. *Be it further enacted*, That the said William A. Neely, in case he shall sell any or either of the lands heretofore described, shall have power, and he is authorized by this act so to do, to make, execute, and deliver any deed that may be necessary to convey the title thereto, reciting therein this act, as his authority therefor; and said deed, when acknowledged and recorded, shall be deemed, taken and held, in all the courts of this state, as conveying all the right and title of the Martha C. and Oswell T. Neely, in the lands aforesaid, as fully and effectually valid in law and equity, as if the same had been signed, sealed and delivered by them, and each of them at their majority.

SEC. 3. *Be it further enacted*, That this act shall be deemed, taken and held, as a public act, and shall be so construed in the courts of this state, and the same shall be in force and take effect from and after its passage.

Approved 6th January, 1853.

An act to grant to William Carter, and others, the privilege of building and keeping Mill Dams across Eleven Points river, in Randolph county, State of Arkansas.

SECTION

1. Authorizes a dam, four feet high, across Eleven Points river, at Carter's Mills.

2. Authorizes a mill dam, four feet

SECTION

high, across Eleven Points river, at Black's Mills.

3. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That William Carter, John Carter and G. W. Nancy be, and they are hereby authorized to build and keep a mill dam across Eleven Points river, four feet high, in Randolph county, and State of Arkansas, at the place commonly known as Carter's Mills.

SEC. 2. *Be it further enacted*, That William Black be, and he is hereby authorized to build and keep a mill dam across Eleven

Points river, four feet high, at the place commonly known as "Black's Mill Dam," in the county and state aforesaid; *Provided*, That nothing herein contained shall exempt said William Carter, John Carter, G. W. Nancy or William Black from the statute laws of this state, in relation to lands to which said mill dam or mill dams may be injurious.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 6th January, 1853.

An act for the relief of Henderson P. Holmes.

SECTION

1. Cancels the note of Henderson P. Holmes to the State of Arkansas, for use of internal improvement

SECTION

fund.

2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the written application and promissory note of Henderson P. Holmes, given to the State of Arkansas, for the use of the internal improvement fund in consideration for the east half of the south-east quarter of section fifteen, and the west half of the south-east quarter of section fifteen, in township nineteen, north of range thirty-one west, be, and he is hereby released from all liability on the same either in law or equity, and that the same be cancelled.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved 6th January, 1853.

An act to grant a charter to George W. Lemoyne for the purpose of erecting and building a toll bridge across Point Remove creek, in Conway county, Arkansas.

SECTION.

1. Authorizes Geo. W. Lemoyne to build a toll bridge across Point Remove creek.
2. Said Lemoyne may use a ferry until bridge is erected. Bridge to be erected in two years from passage of this act.
3. Rates of toll established.

SECTION.

4. Bridge to be kept in good repair, under penalties inflicted on delinquent ferries.
5. Said Lemoyne to have exclusive right and benefit of said bridge for 20 years from passage of this act; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That George W. Lemoyne, of Yell county, be, and he is hereby granted a charter for building and erecting a toll bridge

across Point Remove creek, about one mile above the mouth of said creek, at or near where the road leading from Lewisburg, (ordered to be viewed, marked out, and extended, may cross the same), the said Lemoyne being the owner of the land on both sides of said Point Remove creek.

SEC. 2. *Be it further enacted*, That the said George W. Lemoyne be, and he is hereby permitted to use a ferry boat at the place designated to build said bridge, and charge the same as hereafter specified, until the said bridge is completed; *Provided, however*, That the said Lemoyne shall erect the said bridge, or cause the same to be done, within two years from the passage of this act.

SEC. 3. *Be it further enacted*, That it shall and may be lawful for the said George W. Lemoyne, his heirs or assigns, to charge the following rates of toll: Footman five cents, man and horse ten cents, wagon and team fifty cents, loose horses or cattle five cents per head, and for every other species of stock in proportion.

SEC. 4. *Be it further enacted*, That the said George W. Lemoyne, his heirs or assigns, shall keep the said bridge in good order and repair, or pay the penalties now inflicted on persons delinquent in cases of keeping ferries, to be collected as provided by law.

SEC. 5. *Be it further enacted*, That the said George W. Lemoyne shall have the exclusive right of building said bridge, and receiving the benefits and profits from it, for the term of twenty years from the passage of this act; and that this act take effect and be in force from and after its passage.

Approved 6th January, 1853.

An act to call in the scrip of Desha county.

SECTION

1. Scrip and warrants issued prior to 1st of Jan'y, 1853, to be presented to clerk of county court by 1st Jan'y, 1854, who shall issue to holder same amount on treasury of said county, and file the scrip and warrants called in, and lay the same before the January term, 1854, for inspection.
2. Failing or refusing to present scrip

SECTION

- or warrants, bars from deriving benefit of claims from county.
3. Clerk to open new account in his register of warrants issued, and date and number the amounts thereafter issued, so as to enable court to ascertain amount outstanding.
4. Sheriff to give notice of provisions of this act, in each township.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all the county scrip and treasury warrants that may have been issued previous to the first day of January, one thousand eight hundred and fifty-three, by the clerk of the county court of Desha county, shall be presented to the clerk of said

county, on or before the first day of January, one thousand eight hundred and fifty-four, whose duty it shall be to issue to the holder thereof the same amounts on the treasury of Desha county, and file in his office the scrip and treasury warrants thus called in, and lay the same before the county court of his said county, at the January term thereof, one thousand eight hundred and fifty-four, for inspection.

SEC. 2. *Be it further enacted,* That any person or persons who may hold any scrip or treasury warrants of said county of Desha, and neglect or refuse to present the same to the clerk thereof, as required in the preceeding section of this act, shall be forever barred from deriving any benefit from their claims from the said county.

SEC. 3. *Be it further enacted,* That it shall be the duty of the clerk of the county court of Desha county to open a new account, on the first day of January, one thousand eight hundred and fifty-three, in his register of warrants issued, in which he shall state the date, number and amount of each warrant thereafter issued, so as to enable the county court, at its January term, one thousand eight hundred and fifty-three, to ascertain the precise amount of warrants outstanding.

SEC. 4. *Be it further enacted,* That it shall be the duty of the sheriff of Desha county to give due and timely notice of the provisions of this act, by advertising the same, on or before the first day of May, one thousand eight hundred and fifty-three, in the most public place in each township in the county of Desha.

Approved 7th January, 1853.

An act for the benefit of Bryant Kellett and James Dowell, of Lawrence county.

SECTION

1. Appropriates the sum of \$100 to B. Kellett and J. Dowell; for apprehending and bringing to justice B.

SECTION

- F. Bartley.
2. Act in force from and after its passage.

WHEREAS, one Benjamin F. Bartley, some time in the latter part of year 1851, did, in the county of Lawrence, commit the crime of murder upon the body of one Hefner, of the county of Lawrence; and whereas, the said Bartley fled from the country, by breaking custody from an officer, in order to evade the penalty of the law, and would have escaped unpunished, had it not been for the energy and perseverance of Bryant Kellett and James Dowell, citizens of Lawrence county, who pursued, overtook and captured, in the State of Missouri, at their own expense, the said Bartley, and brought him to justice; and whereas, by the vigilance of the said Kellett and Dowell, the said Bartly was placed in the power

of the law, tried, sentenced and committed to the jail and penitentiary house for twenty-one years; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That Bryant Kellett and James Dowell be, and they are hereby allowed the sum of one hundred dollars for their services in capturing and bringing to justice Benj. F. Bartley for the murder of — Hefner, late of Lawrence county, and that the said Kellett and Dowell be, and they are hereby authorized to draw the same out of any money in the treasury of this state not otherwise appropriated.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 7th January; 1853.

An act to amend an act entitled “an act to incorporate the Town of Warren, Bradley county, Arkansas.

SECTION

1. Declares certain citizens of the town of Warren, Bradley county, a body politic and corporate.
2. Repeals first section of an act to in-

SECTION

- corporate the town of Warren.
3. Act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the citizens residing in the town of Warren, Bradley county, included within the following metes and bounds, to wit: commencing at a point one fourth of a mile south of the Bradley court house, thence running east one fourth of a mile, thence north one-half mile, thence west one-half mile, thence south one-half mile, thence east to the place of beginning, be, and they are hereby declared a body politic and corporate, by the name of the Town of Warren.

SEC. 2. *Be it further enacted,* That the first section of an act entitled “an act to incorporate the Town of Warren, Bradley county, Arkansas,” be, and the same is hereby repealed.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 7th January, 1853.

An act to blend all the school funds of Arkansas county and of White county, in support of common schools.

SECTION

1. Each township in White and Arkansas counties, not having done so, shall elect a school commissioner and three trustees.

SECTION

2. Commissioners to sell 16th section, unsold, in their townships.
3. Proceeds of sales disposed of as provided in 145th chapter of Digest.

SECTION.

4. Treasurers of said counties to receive dividend of seminary fund; and collect all school funds except proceeds of sale of 16th sections and loan the same at 10 per cent.
5. Treasurers responsible on bond for all moneys coming into their hands.
6. Treasurers to make yearly distribution of funds among townships, and the commissioners receipt therefor.
7. No school in township at time of distribution, fund to remain at interest
8. Trustees to keep up one school in each township.

SECTION

9. Treasurers allowed 2 per cent. for services.
10. Treasurers shall make annual settlement with county court.
11. Arkansas and White counties exempted from laws relating to common schools inconsistent with this act.
12. Townships in Arkansas county not settled not entitled to dividend; dividend to be divided among other townships.
13. Laws and parts of laws in conflict with this act repealed.
14. Act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That each congressional township in Arkansas county, and in White county, which has not done so, shall elect a school commissioner and three trustees, as provided by chapter 145, of the Digest, and said commissioners and trustees shall qualify as therein directed.

SEC. 2. *Be it further enacted,* That said township commissioners shall sell the sixteenth sections of their respective townships, where they have not heretofore been sold, in accordance with the provisions of said chapter of the Digest; *Provided,* That when any sixteenth section, or any part thereof, has twice been offered for sale, and failed to bring two dollars per acre, it may be sold at any time thereafter, on the notice now required by law, at not less than one dollar and twenty-five cents per acre.

SEC. 3. *Be it further enacted,* That the proceeds of the sales of said sixteenth sections, shall be kept at interest as provided by said 145th chapter of the Digest, and the commissioner shall hold the interest arising therefrom, together with other funds that may be paid over to him under the provisions of this act, subject to the order of the township trustees aforesaid, as provided by section 24, chapter 145, of the Digest.

SEC. 4. *Be it further enacted,* That the treasurers of the counties of Arkansas and White, shall receive, from time to time, from the treasurer of the state, the dividends going to said counties under the act to divide the seminary fund, &c., approved January 5th, 1849; and shall also collect, and take charge of, all school funds arising from all other sources in said counties under existing laws, except the proceeds of the sale of the sixteenth sections, and shall loan the same out, annually, at ten per centum interest; taking care to make the same perfectly secure.

SEC. 5. *Be it further enacted,* That said county treasurers shall be responsible, on their official bonds, for all such funds as may come to their hands, and for the management of the same, and the county courts, or presiding judges, in fixing the amount of their bonds, shall take into consideration the probable amount of school

funds that may be in their hands, as well as the county revenue.

SEC. 6. *Be it further enacted*, That the said county treasurers shall, once a year, make a division of the interest in their hands, arising from the school funds, among the several congressional townships of their counties, according to the number of white children therein, over five and under twenty-one years of age, and shall pay each dividend over to the township commissioner, and take his receipt for the same; and said township commissioner shall be responsible therefor, on his official bond, and shall hold the same subject to the order of the township trustees, as provided in section 24, of chapter 145, of the Digest.

SEC. 7. *Be it further enacted*, That if there be no school in any township at any time when the said treasurers make an annual dividend, they shall keep the dividend of such township at interest, and not pay it over to the commissioner until a school be established.

SEC. 8. *Be it further enacted*, That the trustees of each township shall keep up one school therein, at a place to be selected by them in reference to general convenience, and shall appropriate the funds in the hands of the township commissioner arising from interest on the proceeds of the sale of the sixteenth section, and dividends paid him by the county treasurer in support thereof.

SEC. 9. *Be it further enacted*, That the said county treasurers shall have two per centum, on all the said school funds which may come to their hands, for safe keeping, disbursing, and loaning the same.

SEC. 10. *Be it further enacted*, That the county treasurers, in making their annual settlements with the county courts, shall render an account, showing what amount of school funds have come to their hands from all sources, what loans they have made thereof, what sums they have paid out, to whom, and the amount on hand.

SEC. 11. *Be it further enacted*, That Arkansas and White counties be, and they are hereby exempted from the operation of so much of all existing laws in reference to common schools as are inconsistent with the provisions of this act, and so much of existing laws as are not in conflict herewith, shall continue in force in said counties.

SEC. 12. *Be it further enacted*, That the townships in said county of Arkansas, which lie in the prairie, and are not settled with population, shall not be entitled to dividends of the school funds in the hands of the county treasurer, as above provided; but the dividends going to such townships, shall be equally divided among the other townships of the county until the prairie townships are settled with sufficient population to establish schools.

SEC. 13. *Be it further enacted*, That all laws, and parts of laws, in conflict with the provisions of this act, be, and the same are hereby, repealed.

SEC. 14. *Be it further enacted*, That this act be in force from and after its passage.

Approved 7th January, 1853.

An act to authorize the Clerks of the Circuit Courts of the counties of Marion and Searcy to transcribe certain Records of their offices.

SECTION

1. Clerk of circuit court of Marion county to transcribe orders, decrees, &c., heretofore had in said court on the chancery side, into a book provided for that purpose.
2. Clerk at next term of said court thereafter to submit said book to the judge of the 3d judicial circuit, who shall compare same with the records; and when satisfied of the correctness of same, shall certify same as judge in chancery sitting, which shall be as binding as the original.
3. Copies thereof under seal of said court and attested by the clerk shall be received in evidence in all courts in this state.

SECTION

4. Clerk to be entitled to a reasonable compensation therefor, to be fixed by county court of said county.
5. County court of Searcy to examine records of different courts of said county, and if it appears that the records of either court would be better preserved by transcribing same into a book, clerk shall be directed so to do, and the clerk shall submit same to the examination of proper court; if approved, county court to make allowance for compensation, as in fourth section of this act.
6. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall be the duty of the clerk of the circuit court of the county of Marion, in this state, and he is hereby required to transcribe the records of the orders, decrees, and other proceedings heretofore had and done in the said circuit court of Marion county, on the chancery side thereof, into a well bound book, to preserve and perpetuate said record of said orders, decrees and proceedings of said court, made, rendered, had and done on the chancery side thereof.

SEC. 2. *Be it further enacted*, That said clerk of said circuit court shall, at the next term of said circuit court thereafter to be holden for said county of Marion, submit said book containing said transcript of the orders, decrees and other proceedings of the said circuit court on the chancery side thereof, before that time had and done, to the judge of the third judicial circuit in and for said county of Marion, whose duty it shall be, as chancellor, and in term time, carefully and faithfully to compare the same with the original records of the orders, decrees, and the other proceedings of said circuit court, in chancery sitting, before that time made and decreed; and when he shall be satisfied that said copy, so transcribed as aforesaid, is a full, true, complete and perfect transcript or copy of the original, then he shall certify the same under his hand as judge in

chancery sitting, which said record, when so copied or transcribed and certified as aforesaid, shall be as valid and binding, both in law and equity, as the original might or could be.

SEC. 3. *Be it further enacted*, That transcripts or copies thereof, attested by the clerk, and under the seal of said circuit court, shall be received as evidence in all the courts of this state, in the same manner, and to the same extent, as transcripts from the original, as now provided by law.

SEC. 4. *Be it further enacted*, That the clerk of the said circuit court for the county of Marion, shall be entitled to a reasonable compensation therefor, to be ascertained and fixed by the county court of said county of Marion, which shall be paid out of the treasury of said county of Marion, in such manner as the said county court may direct.

SEC. 5. *Be it further enacted*, That it shall be the duty of the county court, in and for the county of Searcy, as soon as may be practicable, to examine the records of the different courts of said county; and if, after such examination, the court shall be of opinion that any part of the records of either the county, probate, chancery or circuit courts of said county, would be better preserved by transcribing the same into well bound books, they shall make an order, directing the clerk thereof to make such transcription as they may deem necessary; and the clerk, after he shall have transcribed such part or parts as the court may direct, shall submit the same to the examination of the appropriate court, and if approved, the county court shall make such allowance for his services as is provided in the fourth section of this act for similar services.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 7th January, 1853.

An act amendatory of the Charter of the City of Little Rock.

SECTION

1. Authorizes mayor and aldermen of Little Rock to levy a tax on property in said city for school purposes.
2. Mayor and aldermen may appropriate money paid for fines to school purposes.
3. Mayor and aldermen may unite with

SECTION

- commissioner of township one, north of range 12 west in the expenditure of the whole, or any portion of school fund, as a common fund, within limits of corporation.
4. Act to take effect from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the mayor and aldermen of the city of Little Rock shall have power to levy a tax on the property in said city, and to appropriate such portion of it as they may deem proper, in the

establishment and support of schools, any limitation or restriction, now in the charter of said city to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That said mayor and aldermen are empowered to set apart and expend for school purposes, any portion of the moneys which may be paid into the city treasury on account of fines.

SEC. 3. *Be it further enacted*, That full power is given to said mayor and aldermen to unite with the school commissioner of township one north, of range twelve west, in the expenditure of the whole, or any portion of the school funds of said township and city, as a common fund for school purposes within the limits of the corporation.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

Approved 10th January, 1853.

An act supplementary to an act to Incorporate the town of Bentonville, approved January 10th, 1849.

SECTION

1. Repeals so much of the act incorporating Bentonville as refers to the election of three councilmen.
2. Alderman, constable, clerk and treasurer, declared the town council, and shall be elected as provided by

SECTION.

- law, and hold office one year.
3. Corporation not to impose penalties for offences indictable in circuit courts of this state.
4. This law to take effect from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That so much of said act as refers to the election of three councilmen for said corporation, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the alderman, constable, clerk and treasurer, be known as the "Alderman and Town Council of the town of Bentonville," and exercise all the jurisdiction and immunities conferred by said act. That said officers shall hereafter be elected as now provided by law, upon notice of five days being given by any voter in said corporate limits; and shall hold their offices for one year, and until their successors are elected and qualified; vacancies shall be at all times filled upon like notice.

SEC. 3. *Be it further enacted*, That said corporation shall not have authority to impose pains and penalties for any offences which are now indictable in the circuit courts of this state.

SEC. 4. *Be it further enacted*, That this law take effect from and after its passage.

Approved 10th January, 1853.

An act for the relief of the children of Robert Love, deceased, of Desha County.

SECTION.

1. All property of Robert Love, dec'd. of Desha county after payment of debts to vest in the children of said

SECTION.

Love.

2. Act to take effect and be in force from passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the property, both real and personal, of which Robert Love, a free man of color, deceased, late of Desha county, died, possessed of, after the payment of all debts of said Robert Love, be, and the same is hereby vested in and declared to be the property of Andrew Love, Louisa Love, Emily Love, James Love, William Love, Isabella Love, Frank Love and Thompson Love, the children of the said Robert Love, deceased.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to transfer the settlement of the Accounts and Guardianship of David W. Moore, from the county of Crawford to the county of Washington.

SECTION

1. Upon application of guardian for David W. Moore, clerk of probate court of Crawford county to make full transcript of papers in his office relating to such guardianship, and deliver same to such guardian.
2. Upon presentation of such transcript

SECTION

to clerk of probate court of Washington county, he shall file same, and when filed shall be considered as evidence; and said court shall take jurisdiction of the case.

3. This act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That upon the application of the guardian for David W. Moore to the clerk of the probate court of the county of Crawford, it shall be the duty of such clerk to make out and authenticate under his official certificate, and seal of office, a full and complete transcript of all the papers on file, and entries of record in his office, which, in any manner relate to such guardianship, or the settlement thereof, and deliver the same to such guardian.

SEC. 2. *Be it further enacted,* That upon the presentation of such transcript to the clerk of the probate court for the county of Washington, it is hereby made his duty to file the same, and the same when filed, shall, in all respects be considered as a part of the records of said office, and be received as evidence, and acted upon by said court as if the same was on original record, file, or papers of that court, and said court shall take jurisdiction of the case, and proceed therein under the same laws, and in every respect as if the

guardianship had been originally granted by that court; in no respect, by this act, changing or lessening the duties or liabilities of said guardian.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act for the benefit of A. C. Owen and Daniel E. Williams.

SECTION

1. Auditor to issue warrant in favor of Daniel E. Williams, equal to 10 per cent. upon the amount collected and paid into state treasury by sheriff of Hempstead county, found due the state at time of filing schedule named in preamble.
2. Auditor to issue warrant in favor of A. C. Owen for like sum, the sections only refer to back taxes on lands not regularly assessed, and

SECTION

- taxes found due at time of filing schedule, &c.
3. Clerk of county courts of Hempstead and Lafayette, to furnish auditor with amounts paid into state treasury, upon the amount found due on schedule filed in their offices by said Williams and Owen.
4. Appropriates \$300 to carry out provisions of this act; and this act in force from its passage.

WHEREAS, By the orders of the county courts of Lafayette and Hempstead counties, said Owen and Williams were required to obtain a complete list of all lands that were liable to tax in said counties; and they were required further to ascertain whether all of said lands, since their entries, had been regularly and annually assessed; and if not, to estimate the amount of back taxes due thereon, and to file a complete schedule of all said lands with the taxes due thereon; And whereas, By the performance of said services, the Counties and State have realized upon said lands a large amount of back taxes; Therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the Auditor of this state be, and he is hereby required to issue a warrant in favor of Daniel E. Williams, or his legal representatives, for any sum equal to ten per centum upon the amount actually collected and paid into the state treasury, by the sheriff of Hempstead county, upon the amount found due the state at the time of the filing of said schedule by said Williams.

SEC. 2. That the auditor of this state is further required to issue another warrant in favor of A. C. Owen, or his legal representatives, for any sum equal to ten per centum upon the amount actually collected and paid into the state treasury by the sheriff of Lafayette county, upon the amount found due the state at the time of the filing of the said schedule by said A. C. Owen; *Provided*, That these sections are only intended to refer to the back taxes upon such lands that had not been regularly assessed, and the taxes found due at the time of the filing the schedule by said parties, and for the year that said schedule was so filed.

SEC. 3, It shall be the duty of the clerks of the county courts of

the counties of Hempstead and Lafayette, to furnish the auditor with the true amounts paid into the state treasury by the sheriffs of their respective counties, upon the amount found due upon the schedule filed in their offices by said A. C. Owen, and Daniel E. Williams.

SEC. 4. That the sum of three hundred dollars, be, and the same is hereby appropriated of any moneys in the state treasury, not otherwise appropriated, to carry out the provisions of this act; and that this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act for the relief of James Lawson.

SECTION

1. Releases Jas. Lawson from all liability as security of Thos. Thorn for certain seminary lands; provided nothing in this act shall be construed as relinquishing any claim or demand of the state on said lands, or against said Thorn on account of purchase.

SECTION

2. Act not to be construed to make said land sell at \$2 per acre, but shall be sold to highest bidder under same rules as other remaining lands not offered for sale.
3. Act to take effect and be in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That James Lawson, of the county of Pulaski, be, and he is hereby relieved and released from all obligations and liability as the security of Thomas Thorn, as the purchaser of lots numbered five and six, in section number seventeen, township one north, range eleven west, a portion of the seminary lands; *Provided*, That nothing contained in this act shall be so taken or construed as to release or relinquish any interest claim or right, that the State of Arkansas has now, or may hereafter have in said lands or any claim, demand, or security against said Thomas Thorn on account of said purchase.

SEC. 2. *Be it further enacted*, That nothing in this act shall be so construed as to make the said land subject to entry at two dollars per acre, but shall be sold at public sale to the highest bidder, under the same rules and restrictions as other seminary lands, that has not been offered for sale.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act to constitute Frances Spence a *Feme Sole*.

SECTION

1. Constitutes Frances Spence, wife of

SECTION.

Solomon Spence, sr., of Clark coun-

SECTION

ty a *feme sole*.

2. Act to take effect and be in force

SECTION

from its passage.

SECTION. 1. *Be it enacted by the General Assembly of the State of Arkansas, That Frances Spence, wife of Solomon Spence, senior, of Clark county Arkansas. be, and she is hereby constituted a feme sole, so that she may hold property, make contracts, sue and be sued, and do such other things, so far as property is concerned, as she might do if she were an unmarried female.*

SEC. 2. And that this act take effect and be in force from and after its passage.

Approved 10th January, 1853.

An act for the relief of the Estate of George Handy, deceased.

SECTION

1. Authorizes the administrators of the estate of Geo. Handy, dec'd. to sell the lands of said estate, and make sufficient deeds therefor, to purcha-

SECTION

ser as fully as said Handy could have done.

2. Act in force from and after its passage.

WHEREAS, George Handy, late of the State of Pennysvania, died, seized and possessed of divers tracts and parcels of land, in this State, which are totally unproductive to his estate, which lands are situate in different counties in this State; And whereas, it is the interest of said estate, that said lands be sold, and the proceeds be thrown into the general assets of his estate, a division of the lands owing to situation and value, being impracticable; Therefore,

Be it enacted by the General Assembly of the State of Arkansas, That Daniel M. Bates and George H. Martin, administrators of the estate of George Handay, deceased, or their successors in such administration, be authorized and empowered to sell and dispose of the lands belonging to said estate, in such manner as to them shall seem most advantageous to the interests of said estate, the proceeds to be applied to and distributed as the other assets of said estate; and upon such sale, to make good and sufficient deeds therefor, conveying to the purchaser the absolute estate, in such lands as fully as the said George Handy, might or could have done.

SEC. 2. This act shall be in force from and after its passage.

Approved 10th January, 1853.

An act for the benefit of Shadrac, Sampson, Joel, James, and David Dickinson, of Clark county, Arkansas, minor heirs.

SECTION

1. Authorizes guardian of said minors to hire out slaves of said minors, until each of them arrive at 21 years of age.
2. Said guardian to take oath that the

SECTION

- hiring was done in good faith, and for the interests of said minors.
3. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That Henry K. Hardy the present guardian of said minor heirs, be permitted to hire out the slaves of said minors, on the first day of January in each year, till said minors, and each of them, shall arrive at the age of twenty-one years.

SEC. 2. *Be it further enacted*, That said guardian shall render an account of the hiring of said slaves, under oath, that the hiring was done in good faith, and as he believes, for the interest of said minors.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

Approved 11th January, 1853.

An act for the relief of William K. English and Finis Leech, of Saline County.

SECTION

1. Directs swamp land commissioners to pay Wm. K. English, \$2 per day, and to Finis Leach \$3 per day in

SECTION

- swamp land scrip, for services in reviewing and locating land in certain counties named.

WHEREAS, William K. English, as locating agent, and Finis Leech, as surveyor, located the swamp and overflowed lands, in the counties of Saline, Hot Spring, and Dallas, under the direction of the Swamp Land Commissioners, and in accordance with instructions, and were paid therefor, but the locations were rejected by the Surveyor General; And whereas, Under the directions of the Swamp Land Commissioners, said English and Leech reviewed and corrected said locations and were employed in said review about sixty days, for which they have been paid nothing; Whereas, Also, said English as agent, and said Leach, as surveyor, located the swamp and overflowed lands for Clark, Montgomery and Polk county, under the direction of one of said Commissioners, which locations were confirmed; but said Commissioners have paid said English and Leach nothing therefor, though they were engaged in said work one hundred and eighty days; Therefore,

Be it enacted by the General Assembly of the State of Arkansas, That the said swamp land commissioners be, and they are hereby

directed and required to allow and pay to said Inglish two dollars per day, and the said Leach, the sum of three dollars per day in swamp land scrip, for the time they were engaged in reviewing and correcting the locations for Saline, Hot Spring and Dallas counties, and in making the location for the counties of Clark, Montgomery, and Polk.

Approved 11th January, 1853.

An act for the relief of Dr. John M. Taylor, of Desha County.

SECTION

1. Treasurer to cancel notes of P. R. Johnson and Dr. J. M. Taylor, be allowed to enter a quarter section of the 500,000 acre donation, on which

SECTION

he has proved a pre-emption.

2. Land agent to issue to said Taylor a certificate of purchase of said quarter section.

WHEREAS, Peter R. Johnson did apply for and file his notes for certain lands belonging to the 500,000 acre donation; And whereas, The whole of the land applied for, and for which the notes of the said Johnson were filed, except the south-east quarter of section (6) six, township eleven, south range four west, have since been entered; And whereas, The said Johnson did, on the fifth June, 1850, relinquish to the State of Arkansas, all right, title and interest that he had to the said south-east quarter of section six, township eleven, south range four west, Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That it shall be the duty of the state treasurer to cancel the notes of Peter R. Johnson, and that John M. Taylor, of Desha county, who has proven and is entitled to a pre-emption on the south-east quarter of section six, in township eleven, south range four west, be authorized to enter said quarter section of land at the price and upon the terms now prescribed by law, for the sale of the 500,000 acre donation.

SEC. 2. *Be it further enacted*, That the land agent having charge of the same be, and he is hereby required to issue to said John M. Taylor, a certificate of purchase for said quarter section of land, upon his complying with the provisions of this act.

Approved 11th January, 1853.

An act to authorize Elender Watkins of Conway County to sell the Land belonging to the estate of Jesse Watkins, deceased.

SECTION

1. Authorizes the widow of Jesse Wat-

SECTION.

kins, dec'd., of Conway county, to

SECTION.

sell the lands of her late husband. 2. Act in force from its passage.

SECTION.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That Elender Watkins, of Conway county, widow of the late Jesse Watkins, deceased, be, and she is hereby authorized to sell the south-east quarter of section number twenty-one, in township number nine, north of range number eighteen west, containing one hundred and sixty acres, of which her said husband died, seized, on the terms she may think most advantageous to the interest of said estate, and at public or private sale.*

SEC. 2. *Be it further enacted, That this act be in force from and after its passage.*

Approved 12th January, 1853.

An act for the benefit of Henry Jacobi.

SECTION

1. Appropriates \$22,93, to H. Jacobi, book binder, for work done for House of Reps., for present assembly.

SECTION

2. Auditor to issue warrant on treasurer for above amount; act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That the sum of twenty-two dollars and ninety-three cents, be, and the same is hereby appropriated out of any money which is now, or may hereafter be in the treasury, not otherwise appropriated, for the payment of Henry Jacobi, book binder, for work done for the House of Representatives, during the present General Assembly.*

SEC. 2. *Be it further enacted, That the auditor of public accounts be, and he is hereby required to issue his warrant on the treasurer for the amount above specified; and that this act take effect and be in force from and after its passage.*

Approved 12th January, 1853.

An act to refund to Elizabeth Marsh certain Money erroneously paid into the Internal Improvement fund.

SECTION.

1. Treasurer to pay to Elizabeth Marsh \$56,75, paid to state land agent by her husband, for a portion of the 500,000 acres grant, the title of which was never in the state; audi-

SECTION

tor to draw warrant on treasurer for above amount.
2. Act to take effect and be in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of*

Arkansas, That the treasurer of the State of Arkansas, be, and he is hereby authorized and required to pay over to Elizabeth Marsh, widow of the late Noadiah Marsh, the sum of fifty-six dollars and seventy-five cents; it being so much money paid to the state land agent for the purchase of the south-east quarter of section twenty-six, township twelve north, of range three west, as a portion of the 500,000 acres grant of lands to the state, previously entered by John K. Stephens, at the land office of the United States, and the title to which never was in the state; and the auditor of public accounts is hereby required to audit the same, and draw his warrant upon the treasury for the amount.

SEC. 2. *Be it further enacted*, That the sum of fifty-six dollars and seventy-five cents, out of the internal improvement fund, be, and the same is hereby appropriated to pay the same.

SEC. 3. *Be it further enacted*, This act take effect and be in force from its passage.

Approved 12th January, 1853.

An act for the benefit of George Watson, senior.

SECTION.

1. A deed shall be made to Geo. Watson, sr., for a certain quarter section of land, on his paying for same at \$1 25 per acre; for which amount

SECTION.

he shall execute his notes with interest from date of purchase, payable within one year; act take effect and in force from its passage.

WHEREAS, Reuben S. Watson, purchased the south-east quarter of section fourteen and the south-west quarter of section thirteen, in township nine (9) south of range two west, of the state, at two dollars per acre, and he gave his note therefor, and departed this life, leaving his father George Watson, senior, his heir; and whereas, said entry, save the west quarter of section thirteen, was made by mistake; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That a deed shall be made to said George Watson, senior, for said south-west quarter of section thirteen, on his paying for the same, at one dollar and twenty-five cents per acre, and for this amount he shall, within twelve months execute his notes with interest thereon from the date of purchase, payable within one year, or pay the money as now provided by law, and that this act shall take effect and be in force from and after its passage.

Approved 12th, January, 1853.

An act for the relief of John Hawkins, of Ashley county.

SECTION

1. Refunds to John Hawkins, of Ashley county, the sum of \$482 13; auditor to draw warrant on treasurer

SECTION

for that amount in his favor.
2. Act to take effect and be in force from its passage.

WHEREAS, John Hawkins, of Ashley county, purchased of the state certain lands, to wit: The south-west fractional quarter (east of bayou Bartholomew) section fifteen; the west fractional half of south-east quarter of section fifteen; the west half of north-west quarter of section twenty-two; and the north-east quarter (east of bayou Bartholomew) of section twenty-two, in township nineteen south, range five west, containing in all 350 68-100 acres, as a part of the five hundred thousand acres granted to the state for internal improvement purposes, and paid the state therefor the sum of four hundred and eighty-two dollars and thirteen cents, which lands were not confirmed to the state by the general government.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the sum of four hundred and eighty-two dollars and thirteen cents, paid by the said John Hawkins to the state as recited in the foregoing preamble, be, and the same is hereby refunded to him, and the auditor is hereby directed and authorized to draw a warrant in his favor for that amount on the treasurer, to be paid out of any moneys in the treasury belonging to the internal improvement fund unappropriated,

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to incorporate the town of Osceola, in Mississippi county.

SECTION

1. Incorporates the town of Osceola, in Mississippi county, by name and style of the Town of Osceola, with all the privileges, and under all the restrictions of an act passed at pre-

SECTION

sent general assembly incorporating the "town of Jacksonport."
2. Act in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all that portion of territory embraced in and designated in the plan of the town of Osceola, as laid out by Edwin Jones, Frederick Weller, Lastly McClung, John Buckner and John G. Davis, or any three of them, as commissioners appointed by an act of the General Assembly, approved on the third day of October, 1836, entitled, "an act to locate the seat of justice of Mississippi county and for other purposes," and the inhabitants thereof shall be, and are hereby created, erected, established and

constituted a body politic and corporate, by the name and style of the Town of Osceola, and as such shall have, possess, and be entitled to all the privileges, powers, immunities and benefits, and shall be subject to all the regulations, restrictions and limitations conferred upon and contained in the act passed at the present session of the General Assembly, entitled "an act to incorporate the town of Jacksonport, in Jackson county."

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved 12th January, 1853.

An act to grant a charter to John O. Beard to erect a toll bridge across Cache river, in Jackson county, Arkansas.

SECTION

1. Authorizes John O. Beard, to erect a toll bridge across Cache river, in Jackson county, at or near Barkley's camp; bridge to be erected in two years from passage of this act.
2. Said Beard to make said bridge of best materials, and keep same in repair: rates of toll established; citizens of Jackson county exempted from provisions of this section.
3. Said Beard, his heirs or assigns, failing to keep said bridge in repair to

SECTION

- be fined not less than five nor more than twenty dollars for each week, recovered by motion in county court for use of internal improvement fund in said county.
4. Charter shall continue exclusively to said Beard, his heirs or assigns, for 25 years after completion of said bridge.
5. Act to take effect and be in force from and after its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That a charter is hereby granted to John O. Beard to erect a toll bridge across Cache river, in Jackson county, on the road running from Augusta, in said county, in an eastern direction, and crossing Cache river at what is called Barkley's Camp, on the southern boundary of Township seven, in section nineteen, in range two west, on to intersect the Memphis and Batesville road at L'Anguille river, in St. Francis county; *Provided*, The said Beard shall erect said bridge, or cause it to be erected, within two years from the passage of this act.

SEC. 2. *Be it further enacted*, That the said Beard shall make the said bridge of solid and substantial materials, and put together in the best manner, and shall keep the same in good repair, and after the same shall have been completed, he may charge and receive toll at the following rates, viz: for a footman five cents, man and horse ten cents, wagon and four horses or oxen fifty cents, wagon and two horses or oxen twenty-five cents, all pleasure carriages twenty-five cents, loose horses, mules and cattle five cents per head, sheep and hogs three cents per head; *Provided, however*, That the citizens of Jackson county be, and they are hereby exempted out of the provisions of this section.

SEC. 3. *Be it further enacted,* That if the said Beard, his heirs or assigns should fail to keep said bridge in good repair, he shall be fined not less than five nor more than twenty dollars for each week that the same may be out of repair, to be recovered by motion in the county court, in the name of the county, which fine or fines shall go to the internal improvement fund of the county.

SEC. 4. *Be it further enacted,* That this charter, with all the benefits and privileges in it contained, shall continue exclusively to the said Beard, his heirs or assigns, for and during the full period of twenty-five years from and after the completion of said toll bridge.

SEC. 5. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act for the relief of Feilding Wilburn.

SECTION

1 \$100 appropriated to Fielding Wilburn for fine and cost paid in a suit for false imprisonment, growing

SECTION

out of an order by Capt. Denton, in Marion county war.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of one hundred dollars be, and the same is hereby appropriated out of the state treasury, to pay Fielding Wilburn, of Marion county, to reimburse him for fine and cost paid in a suit for false imprisonment growing out of the execution of an order issued by Captain T. Denton in the Marion county war.

Approved 12 January, 1853.

An act for the relief of John Steel.

SECTION

1. \$45 31 appropriated to John Steel.
2. Auditor to issue warrant upon treasurer for said sum; and this act

SECTION

take effect and be in force from and after its passage.

WHEREAS, at a sale of lands for non-payment of taxes by the sheriff and collector in the county of Lafayette, in the year A. D. 1841, John Steel, of said county, did purchase and pay into the state treasury, the sum of forty-five dollars and thirty cents upon lands which had never been entered, and which were placed on the tax book by mistake; **Therefore,**

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the sum of forty-five dollars and thirty cents be, and the same is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to pay and refund to said Steel the said sum of money.

SEC. 2. The auditor is hereby authorized and required to issue a warrant upon the treasurer for the sum of forty-five dollars and thirty cents in favor of said John Steel, and that this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

An act to call in the County Scrip of White County.

SECTION.

1. Scrip and treasury warrants issued previous to 1st day of July, 1853, by clerk of county court, shall be presented to said clerk by 1st Monday of Jan. 1854, who shall issue to holder same amount of warrants, and file in his office the scrip and warrants thus called in, and lay the same before county court at January term, 1854.
2. Persons holding scrip or warrants, refusing to comply with above provisions, forever barred from benefit

SECTION.

- of their claims, and the county from payment of same.
3. Clerk to open new account in his registry of warrants issued on the 1st day of July, 1853, and state the date, number and amount of each warrant thereafter issued.
4. Sheriff to give notice of provisions of this act, by putting up advertisement in each township, by 1st of August, 1853; and this act in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all the county scrip and treasury warrants that may have been issued previous to the first day of July, 1853, by the clerk of the county court of White county, shall be presented to the clerk of said county court, on or before the first Monday in January, 1854; whose duty it shall be to issue to the holder thereof, the same amount of warrants on the treasury of White county, and file in his office the scrip and treasury warrants thus called in, and lay the same before the county court of said county, at the January term thereof, in the year 1854, for inspection.

SEC. 2. *Be it further enacted,* That all persons who shall hold any scrip or treasury warrants, of the county of White, and neglect or refuse to present the same to the clerk thereof, as required in the preceding section of this act, shall be forever barred from deriving any benefit from their claims.

SEC. 3. *Be it further enacted,* That it shall be the duty of the clerk of the said county court to open a new account in his register of warrants issued on the first day of July, 1853, in which he shall state the date, number, and amount of each warrant thereafter issued, so as to enable the county court at the January term of 1854, to ascertain the precise amount of warrants then outstanding.

SEC. 4. *Be it further enacted,* That it shall be the duty of the

sheriff of White county, to give due notice of the provisions of this act, by putting up at least one advertisement in the most public place in each township in said county, on or before the first day of August, in the year 1853; and that this act be in full force from and after its passage.

Approved 12th January, 1853.

An act to incorporate the city of Powhatan, in the county of Lawrence.

SECTION

1. Incorporates the "City of Powhatan" and defines its boundaries.
2. Officers of said city, a mayor, four aldermen, a recorder and a constable, to be, after first election, elected annually on first Monday in January by free white citizens having resided in said town 6 months.
3. No one eligible to office of mayor or alderman who shall not be qualified to vote as aforesaid.
4. Mayor and aldermen one body politic, by the name of the mayor and aldermen of the city of Powhatan, with privileges usually granted to like corporations.
5. Recorder ex-officio treasurer whose duties shall be defined by by-laws. Constable to be assessor and collector of tax of said city, and overseer of the streets, as directed by by-laws. Constable and recorder to give bond to mayor in not less than \$500 nor more than \$5,000 for the discharge of their duties.
6. First election for officers first Monday in March, 1853, and to hold office until successors are elected and qualified. Names certain persons to hold first election.
7. Powers of mayor and aldermen in

SECTION

- common council defined.
8. Mayor and alderman in common council shall have power to levy tax on real and personal property in said city to defray expenses of improvements, not to exceed one-fourth of one per cent.
9. Vacancies in office filled by election as by-laws direct.
10. Inhabitants of said city liable to work roads of county to work on streets and alleys of city 12 days in each year, if deemed expedient by city constable, and exempt from working on roads out of limits of said city.
11. Corporation not to issue change tickets, &c., to pass as currency, under penalty of forfeit of charter, and prosecuting attorney of district to prosecute corporation on first information of violation of this section.
12. Mayor and his successors in office vested with the powers of a justice of the peace, both in civil and criminal cases.
13. Act to take effect and be in force from its passage, and all laws in conflict with this act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the city of Powhatan, in the county of Lawrence, and State of Arkansas, with the metes and bounds following, to wit: Beginning severally at each of the corners of the public square, as shown and designated on the plat of said city, now on record in the recorder's office in said county, thence extending the lines from said corners, each and all of them, one-half mile in a right line, so as to form a square, shall be, and the same is hereby erected into a corporate city forever, and shall hereafter be called, designated and known by the name of "the City of Powhatan."

SEC. 2. *Be it further enacted,* That, for the preservation of

peace and good order, and for the better ruling and governing of said city and the inhabitants thereof, there shall henceforward be a mayor and four aldermen, a recorder and a city constable, all of which said officers shall be elected annually, after the first election, on the first Monday in January, in each and every year, by the free white male inhabitants of said city, over the age of twenty-one years; *Provided*, That no person shall be deemed qualified to vote for either of said officers, unless such person shall have resided therein six months next preceeding said election.

SEC. 3. *Be it further enacted*, That no person shall be eligible to the office of mayor, alderman, or either of the aforesaid offices, who shall not be a qualified voter as aforesaid.

SEC. 4. *Be it further enacted*, That the mayor and aldermen, as aforesaid, shall be one body politic, in deed, and fact, and name, with perpetual succession, to be known and distinguished by the name of "The Mayor and Aldermen of the City of Powhatan," and they and their successors in office, at all times hereafter, shall be capable in law to have, purchase, take and receive possession, and enjoy lands and tenements, hereditaments, liabilities, franchises and jurisdictions, goods, chattels and effects, and to grant, bargain and sell, alien and convey, demise and dispose of the same, and to sue and be sued, to plead and be impleaded, in any court of justice whatever, and to make and use one common seal, and the same to alter and renew at pleasure.

SEC. 5. *Be it further enacted*, That the recorder of said city shall be ex-officio treasurer thereof, whose duties, both as recorder and treasurer, shall be defined by the by-laws of said city, and the constable of said city shall be the assessor and collector of all taxes ordered to be collected in said city, and shall also, by virtue of his said office, be overseer and superintendent of the streets, in such manner as may be defined by the laws of said city, and shall do and perform all other legal requirements of said mayor and aldermen, and such constable or recorder shall severally, before entering upon the discharge of their duties, give bond and security to the mayor and aldermen of the city of Powhatan, and their successors in office, for the faithful performance and discharge of their respective duties, in a sum not less than five hundred, nor more than five thousand dollars, at the discretion of said mayor and aldermen, for the use of any person or persons who may be aggrieved by any of the official acts of said recorder or constable, said bonds to be executed or delivered to said mayor, and approved by him within ten days after their said election, or said office or offices are hereby declared to be vacated, and a successor or successors shall be elected according to law. The said recorder or constable shall have power to appoint such number of deputies as may be necessary, to be appointed by the mayor before entering upon the discharge of their duties; and such city constable shall have full and ample power to serve all process, civil or criminal, within the

courts of said city, that the constables of townships have in their respective townships.

SEC. 6. *Be it further enacted*, That the first election to elect officers herein mentioned shall be holden on the first Monday in March, 1853, and when so elected, they shall hold their offices until their successors shall be elected and qualified, and the following named persons are hereby authorized and empowered to hold said election, to wit: John Arnonett, George W. Patterson and Col. John F. Fisher.

SEC. 7. *Be it further enacted*, That said mayor and aldermen, or a majority of them, shall have power and authority, from time to time, and at all times hereafter, to hold a common council in said city, at such places as they may designate, and to make such by-laws, ordinances and regulations, in writing, not repugnant to the constitution of this state, and the same to revoke, enforce or alter, so as to them as may appear necessary for the good order and civil government of said city and inhabitants, and to make, limit and impose reasonable fines and immunities, for all misdemeanors, disorders, neglects or nuisances committed within the limits of said city, upon persons committing them therein, and for which the laws of the state have not provided ample remedy and penalty.

SEC. 8. *Be it further enacted*, That the said mayor and aldermen of said city of Powhatan shall have full, ample and complete power, by action of common council, from time to time, to levy a tax on all property, both real and personal, within the limits of said city, subject to taxation, for defraying the expenditures of said corporation, in making improvements in said city, and in carrying out and enforcing the powers to said corporation granted by this act; *Provided*, That all property shall be taxed ad valorem, and said tax shall not exceed one-fourth of one per centum per annum.

SEC. 9. *Be it further enacted*, That, whenever a vacancy shall occur in any of the offices herein created, said vacancy shall be filled by election, at such time, and in such manner, as the by-laws of said city shall direct; and, when elected, shall hold their respective offices for the unexpired term of their predecessor.

SEC. 10. *Be it further enacted*, That every male inhabitant within the corporation of the said city of Powhatan, who may be liable to work on roads and highways, under the laws of this state, shall be liable to work on the streets and alleys of said (city) twelve days in each year, if the same be thought expedient and proper by the city constable, and all persons thus made liable to work on said streets and alleys, shall be exempted from working on all roads and highways out of and beyond the corporate limits of said city.

SEC. 11. *Be it further enacted*, That it shall not be lawful for said corporation to issue change tickets, or any other issue intended to pass as a currency; and a violation of this provision shall be

deemed a forfeiture of said charter; and it shall be the duty of the prosecuting attorney for the judicial circuit in which said city is located, to prosecute said corporation to a forfeiture of this charter, on the first information furnished him.

SEC. 12. *Be it further enacted*, That the mayor of the city of Powhatan, herein provided for, and his successors in office, is hereby invested, as such mayor, with all the powers and jurisdiction, which, under the law and constitution, pertain to justices of the peace in this state, both in civil and criminal proceedings. To this end he may, as such mayor, issue process, hear and determine causes, and in all things be governed in the extent and exercise of such jurisdiction, by the laws now in force, defining and governing the proceedings of justices of the peace of this state.

SEC. 13. *Be it further enacted*, That this act take effect and be in force from and after its passage, and that all laws which conflict with this act, be, and the same are hereby repealed.

Approved 12th January, 1853.

An act supplemental to an act entitled "an act to incorporate the City of Powhatan, in Lawrence county."

SECTION

1. Act incorporating town of Powhatan, not to be construed as granting charter for longer period than

SECTION

99 years.

2. Act to take effect and be in force from its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the act entitled an act to incorporate the town of Powhatan, in Lawrence county, shall not be so construed as to grant corporate powers for a longer period than of ninety-nine years.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 12th January, 1853.

RESOLUTIONS.

WHEREAS, It is known to this General Assembly that the Hon. John C. Calhoun, of South Carolina, departed this life at 7 o'clock A. M., on the 11th April, A. D. 1850; That the Hon. Henry Clay, of Kentucky, paid the same debt, at 11 o'clock, A. M., on the 29th January, A. D. 1852; And that the Hon. Daniel Webster, of Massachusetts, was called to his last account at 3 o'clock, A. M., on the 24th October, A. D. 1852; And whereas, It is the sense of this body that the memory of these distinguished and world renowned personages, is the property, and of right belongs to the American people, whom they so long lead by their example, directed by their wisdom and council, and adorned with their illustrious character; And whereas, It is believed to be the wish and desire of the people of this State, to perpetuate the qualities of heart and head, which distinguished those men above their contemporaries, not only as models of emulation to the present, but as examples and samples of excellence and greatness, to those generations which are to succeed; And whereas, No mode is known by which this purpose can be more effectually or appropriately accomplished than by giving place to such sentiments as are designed to be embraced herein, on the Journals of the two Houses of this General Assembly; and the printed publication of the Acts and Resolutions, thereof; Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That they have heard with deep pain, of the death of the Hon. John C. Calhoun, of South Carolina; of the Hon. Henry Clay, of Kentucky, and of the Hon. Daniel Webster, of Massachusetts, at the respective times, in the preamble hereof stated; and they hereby tender to the American people, wherever they may be; and to the immediate families and friends of those distinguished individuals, their condolence for the irreparable loss, which they, in common with mankind, have sustained by that dispensation.

And be it further resolved, That as an evidence of the high esteem in which the deceased were respectively held by the people of this state, in common with their fellow citizens throughout the Union, that these resolutions, with the preamble, be spread upon the journals of the two houses, and be published, both in the printed copies thereof, and with the volume to contain the acts and resolutions passed at the present session.

And be it further resolved, That the secretary of state, be, and

he is hereby required to communicate copies of these resolutions, with the preamble, to the immediate families of the distinguished dead, hereinbefore named, at his earliest convenience, after the adjournment of the present session of the General Assembly.

Approved 17th November, 1852.

Resolved, That the secretary of the Senate, and the clerk of the House of Representatives be, and are authorized to certify accounts for the contingent expenses of the two houses during the present session, and that the auditor be directed to issue his warrant on the state treasury, for the amounts so certified, and that the senate be requested to concur herein.

Approved 9th December, 1852.

Resolved by the General Assembly, That the page of the house receive the same pay as did the page at the last session, and that the clerk be authorized to certify his account, which will be paid out of any money in the state treasury, not otherwise appropriated.

Approved 10th December, 1852.

Resolved by the General Assembly of the State of Arkansas, That the secretary of state be instructed to transmit authenticated copies of all memorials and resolutions to the Congress of the United States, to our delegation in Congress, as soon as they may pass the General Assembly and receive the signature of the speaker of the House of Representatives, the president of the Senate, and the approval of the governor.

Approved 31st December, 1852.

Resolved by the General Assembly of the State of Arkansas, That the Hon. William B. Marshal, representative from the county of Lawrence, be, and he is hereby authorized to draw out of the treasury of the state for, and on behalf of Bryant Kellett and James Dowell the sum of one hundred dollars; which was appropriated

to the said Kellett and Dowell, by an act passed at this session of the General Assembly entitled "an act for the benefit of Bryant Kellett and James Dowell, of Lawrence county; and that he pay the same over to them; and that said William B. Marshall shall receipt to the treasurer for the same, which shall be a sufficient voucher to the treasurer, on account of the internal improvement fund.

Approved 10th January, 1853.

Resolved by the General Assembly of the State of Arkansas, That the attorney general, be, and he is hereby authorized and directed to dismiss the action at law now depending in the Pulaski circuit court, at the suit of the State of Arkansas, against the securities of Samuel Adams, deceased, on his official bond, as treasurer of this state, they, the said securities paying all the costs due on said suit, at the time the same may be dismissed.

Resolved further, That the treasurer be and he is hereby authorized, to receive the coupons due, and the bonds of the state to run to their maturity, deposited with him by the securities of the said Samuel Adams, late treasurer of this state on his official bond, as such, in full payment and discharge of the amount claimed to be due the state, and involved in the said suit, by the first resolution above written, authorized to be dismissed by the attorney general as above.

Approved 10th January, 1853.

Resolved by the General Assembly of the State of Arkansas, That the following amendment be, and the same is hereby proposed, to the constitution of the State of Arkansas, to wit: That the county of Sebastian may be reduced to any number of square miles not less than six hundred, and a population not less than the ratio of representation.

Approved 10th January, 1853.

•WHEREAS, The great project of constructing a Railroad from the Mississippi river to California is now engaging a large share of public attention; And whereas, The people of the State of Arkansas feel a deep interest in the same believing it to have been already proven by the surveys, reconnoissance, and explorations of divers

expeditions, under the authority of the General Government, as well as by the experience of numerous intelligent overland emigrants, that the "central route from Memphis through the State of Arkansas, via. the river Gila, is the most eligible and least expensive; And whereas, It behooves and is expedient and proper, that all the States in the Union, friendly to the said enterprise, to meet in convention, to adopt measures for the promotion of the same; Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That their fellow-citizens, throughout the United States, friendly to the construction of the road, be, and are hereby invited to meet in convention, at the city of Memphis, on the fifth Monday of May next, to consider of the best means of accomplishing the great objects herein designated.

Be it further resolved, That our fellow-citizens, of Arkansas, be, and are hereby requested and urged to send delegates to the convention from all the counties.

Approved 12th January, 1853.

WHEREAS, In the year 1846, Andrew B. Baker, of Carroll county, in the State of Arkansas, has born to him by his wife, Mary Ann, three sons, now living in said county, named Austin Jones Baker, Seaman Fletcher Baker, and James Stanford Baker, all being of the same age; And whereas, The said Andrew B. Baker, is a poor but honest and an industrious citizen, having a large and dependant family, in addition to the triplet sons, aforesaid; Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That our senators be instructed, and our representative requested to use all their influence to procure the passage of a law by the Congress of the United States, donating to the said Andrew B. Baker, and to each one of his said triplet sons one quarter section of public land each, to be located upon any of the public lands remaining unsold, in the State of Arkansas. at the time of the passage of said act; And whereas, B. H. Johnson, of Fulton county, had born to him in the space of eleven months, five sons; Therefore,

Resolved, That he and each of his sons have the benefit of this resolution.

Be it further resolved, That our senators in Congress, be, and they are hereby instructed, and our representative in Congress, requested to use their joint efforts to obtain from Congress similar donations to all other children born them at a birth within the limits of the State of Arkansas.

Approved 12th January, 1853.

RESOLUTION ON PRINTING.

Resolved, That the committee on public printing be instructed to inform the different printers of the State of Arkansas, that it will receive proposals from each, for the printing of the state, until the meeting of the next General Assembly, and that the committee be required to accept the lowest bid that may be offered; and take bond, with ample security, for the prompt and faithful performance of the work, subject to the approval of the General Assembly.

OFFICE OF THE SECRETARY OF STATE, }
Little Rock, July 4th, 1853. }

I have compared the foregoing printed laws with the original rolls thereof, in my office, and do certify that they are a true copy; with the exception of the errors corrected in the *errata*.

DAVID B. GREER,
Secretary of State.

ERRATA.

Page 27, sec. 1, for *Brownsboro*, read *Boosnboro*.

“ 59, sec. 14, last line after the word *things*, read *except*.

“ 57, sec. 2, for *conveying*, read *carrying*.

“ 65, sec. 7, for *answer* read *observe*.

“ 158, in act making appropriations, after 3d appropriation,
read,

4. *To pay the salary of the Secretary of State, the sum of two thousand dollars.*

Page 287, in act to legitamatize marriage, for *Derikuis*, read
Dinkins.

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